

**JOURNAL**  
**OF THE**  
**HOUSE OF DELEGATES**  
**EIGHTY-FOURTH**  
**LEGISLATURE**  
**OF**  
**WEST VIRGINIA**



**VOLUME I**  
**REGULAR SESSION, 2019**

WEST VIRGINIA HOUSE OF DELEGATES  
**HONORABLE ROGER HANSHAW**  
SPEAKER OF THE HOUSE

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF

**STEPHEN J. HARRISON**  
CLERK OF THE HOUSE



**OFFICE OF THE CLERK OF THE HOUSE**  
212 MAIN UNIT  
STATE CAPITOL  
CHARLESTON, WEST VIRGINIA

\*\*\*\*\*

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## TABLE OF CONTENTS

### VOLUME I

Members and officers of the House of Delegates .....	V
Members and officers of the Senate.....	VII
Standing committees of the House.....	IX
Standing committees of the Senate .....	XV
Schedule showing legislative and calendar days.....	XIX
Journal of proceedings	
(Regular Session, 2019) Vol. I .....	1
(Regular Session, 2019) <i>See</i> Vol. II .....	1017
(Regular Session, 2019) <i>See</i> Vol. III .....	2167
(Regular Session, 2019) <i>See</i> Vol. IV .....	3529
(First Extraordinary Session, 2019) <i>See</i> Vol. IV .....	4143
(Second Extraordinary Session, 2019) <i>See</i> Vol. IV .....	4435
(Second Extraordinary Session, 2018) <i>See</i> Vol. IV .....	4455
Index .....	4529
(This index is arranged as follows: Delegates, etc., House Bills, House Concurrent Resolutions, House Joint Resolutions, House Resolutions, Senate Bills, Senate Concurrent Resolutions and Senate Joint Resolutions.)	
Topical Index .....	4755
(This is an index by subject to all House Bills introduced for the Regular Session.)	
Disposition of bills enacted.....	4809
Appendix.....	4825



# MEMBERS OF THE HOUSE

## REGULAR SESSION, 2019

### OFFICERS

*Speaker:* Roger Hanshaw - Wallback  
*Clerk:* Stephen J. Harrison - Cross Lanes  
*Sergeant-at-Arms:* <sup>1</sup>Anne Lieberman - Charleston  
*Doorkeeper:* Robert Stewart – Cross Lanes

<u>Name</u>	<u>District</u>	<u>City</u>	<u>Occupation</u>	<u>Term</u>
Anderson, Bill (R)	8th	Williamstown	Educator	71st - 84th
Angelucci, Michael (D)	50th	Farmington	Administrator	84th
Atkinson III, Martin "Rick" (R)	11th	Reedy	Director of Sales	82nd - 84th
Azinger, Tom (R)	10th	Vienna	Retired Insurance Agent	72nd - 81st; 84th
Barrett, Jason (D)	61st	Martinsburg	Restaurant owner	81st; 83rd - 84th
Bates, Mick (D)	30th	Beckley	Physical therapist/Small Business Owner	82nd - 84th
Bibby, Tom (R)	62nd	Falling Waters	Retired, U.S. Air Force	84th
Boggs, Brent (D)	34th	Gassaway	Railroad Engineer	73rd - 84th
Brown, Nathan (D)	20th	Williamson	Attorney	84th
Brown, Sammi (D)	65th	Charles Town	Community Organizer/Consultant	84th
Butler, Jim (R)	14th	Henderson	Excavating Contractor	81st - 84th
Byrd, Andrew (D)	35th	South Charleston	Attorney/Small Business Owner	82nd - 84th
Cadle, Scott (R)	13th	Letart	Trucking/Excavating	81st - 82nd; 84th
Campbell, Jeff (D)	42nd	Lewisburg	Teacher/Broadcaster	Appt. Oct. 30, 2017, 83rd; 84th
Canestraro, Joe (D)	4th	Benwood	Lawyer	83rd - 84th
Capito, Moore (R)	35th	Charleston	Attorney	83rd - 84th
Caputo, Mike (D)	50th	Rivesville	UMWA, District 31 Vice President	73rd - 84th
Cooper, Roy (R)	28th	Wayside	Retired U.S. Navy	81st - 84th
Cowles, Daryl (R)	58th	Berkeley Springs	Businessman	78th - 84th
Cris, Vernon (R)	10th	Parkersburg	Executive	69th; 83rd - 84th
Dean, Mark (R)	21st	Verner	Principal	83rd - 84th
Diseno, Phillip W. (D)	2nd	Follansbee	Retired Electrician	81st; 83rd - 84th
Doyle, John (D)	67th	Shepherdstown	Realtor	66th; 71st - 80th; 84th
Ellington, Joe (R)	27th	Princeton	Physician	80th - 84th
Espinosa, Paul (R)	66th	Charles Town	General Manager, Telecommunications	81st - 84th
Estep-Burton, Amanda (D)	36th	South Charleston	Banker	84th
Evans, Ed (D)	26th	Welch	Retired Science Teacher	83rd - 84th
Fast, Tom (R)	32nd	Fayetteville	Attorney	82nd - 84th
Fleischauer, Barbara Evans (D)	51st	Morgantown	Attorney/Small Business Owner	72nd - 76th; 78th - 84th
Fluharty, Shawn (D)	3rd	Wheeling	Attorney	82nd - 84th
Foster, Geoff (R)	15th	Winfield	Construction Supply	82nd - 84th
Graves, Dianna (R)	38th	Cross Lanes	Auditor	Appt. Sept. 19, 2017, 83rd; 84th
Hamrick, Danny (R)	48th	Lost Creek	Consulting, Media Production	81st - 84th
Hanna, Caleb (R)	44th	Richwood	Full-time student	84th
Hansen, Evan (D)	51st	Morgantown	President, Downstream Strategies	84th
Hanshaw, Roger (R)	33rd	Wallback	Attorney	82nd - 84th
Hardy, John (R)	63rd	Shepherdstown	Businessman	84th
<sup>2</sup> Hansharger, Jason (R)	7th	Pullman	Natural Gas Storage Project Management	83rd - 84th
Hartman, William G. (D)	43rd	Elkins	Retired Independent Insurance Agent	76th - 84th
Hicks, Kenneth P. (D)	19th	Kenova	Attorney	82nd - 84th
Higginbotham, Joshua (R)	13th	Poca	Author	83rd - 84th
Hill, Jordan C. (R)	41st	Summersville	Human Resources	82nd - 84th
Hornbuckle, Sean (D)	16th	Huntington	Financial Services Broker	82nd - 84th
Hott II, John Paul (R)	54th	Petersburg	Insurance/Disposal Service	84th
<sup>3</sup> Hollen, Ray (R)	9th	Elizabeth	Retired USCG, Retired WV State Police	83rd - 84th
Householder, Eric L. (R)	64th	Martinsburg	Small Business Owner	80th - 84th
Howell, Gary G. (R)	56th	Keyser	Small Business Owner	80th - 84th
Jeffries, Dean (R)	40th	Elkview	Insurance Agent	Appt. Sept. 5, 2018, 83rd; 84th
Jeffries, Joe (R)	22nd	Cluloden	Maintenance Manager	84th
Jennings, D. "Buck" Rolland (R)	53rd	Thornton	Self-Employed	Appt. Oct. 10, 2017, 83rd; 84th
Kelly, David (R)	6th	Sistersville	Pastor	84th
Kelly, John R. (R)	10th	Parkersburg	Retired, Chemical Industry	82nd - 84th
Kessinger, Kayla (R)	32nd	Mount Hope	Director of Human Resources	82nd - 84th

## MEMBERS OF THE HOUSE OF DELEGATES - Continued

Kump, Larry D. (R)	59th	Falling Waters	Retired Public Administrator	80th - 81st; 84th
Lavender-Bowe, Cindy (D)	42nd	Lewisburg	Small Business Owner	84th
<sup>4</sup> Linville, Daniel (R)	16th	Milton	Information Technology Director	Appt. Aug. 1, 2018, 83rd; 84th
Longstreth, Linda (D)	50th	Fairmont	Administrator	77th - 84th
Lovejoy, Chad (D)	17th	Huntington	Attorney	83rd - 84th
<sup>5</sup> Malcolm, Sharon Lewis (R)	39th	Charleston	Retired State Employee	Appt. Mar. 22, 2018, 83rd; 84th
Mandt, John F. (R)	16th	Huntington	Businessman	84th
Martin, Carl "Robbie" (R)	45th	Buckhannon	Business Owner	84th
Martin, Patrick S. (R)	46th	Weston	Business Owner	83rd - 84th
Maynard, Zack (R)	22nd	Harts	Self Employed	83rd - 84th
McGeehan, Pat (R)	1st	Chester	Business Sales/Author	79th; 82nd - 84th
Miley, Timothy (D)	48th	Bridgeport	Attorney	77th - 84th
Miller, Rodney (D)	23rd	Madison	Retired Sheriff/Executive Director Sheriffs Assn.	83rd - 84th
Nelson, Eric Jr. (R)	35th	Charleston	Businessman	80th - 84th
Pack, Jeffrey (R)	28th	Cool Ridge	Pest Control Technician	Appt. Jan. 10, 2018, 83rd; 84th
Paynter, Tony (R)	25th	Hanover	Truck Driver	83rd - 84th
Pethel, Dave (D)	5th	Hundred	Educator	69th - 71st; 74th - 84th
Phillips, Chris (R)	47th	Buckhannon	President, CGP Foods, Inc.	84th
Porterfield, Eric (R)	27th	Princeton	Evangelist/Missionary	84th
Pushkin, Mike (D)	37th	Charleston	Taxi Driver/Musician	82nd - 84th
Pyles, Rodney A. (D)	51st	Morgantown	Retired	83rd - 84th
Queen, Ben (R)	48th	Bridgeport	Media Entrepreneur/Photography	83rd - 84th
Robinson, Andrew (D)	36th	Charleston	Real Estate Appraiser/Broker	83rd - 84th
Rodighiero, Ralph (D)	24th	Logan	UPS Driver	78th - 80th; 82nd - 84th
Rohrbach, Matthew (R)	17th	Huntington	Physician	82nd - 84th
Rowan, Ruth (R)	57th	Points	Retired Educator	77th - 84th
Rowe, Larry L. (D)	36th	Charleston	Attorney	73rd - 74th (House); 75th - 76th (Senate); 82nd - 84th (House)
Shott, John (R)	27th	Bluefield	Attorney	79th (Appt. to Senate May 19 and resigned from House May 20, 2010); 81st - 84th (House)
Skaff, Doug Jr. (D)	35th	South Charleston	Business Owner/Commercial Developer	79th-81st; 84th
Sponaugle, Isaac (D)	55th	Franklin	Attorney	81st - 84th
Staggers, Margaret Anne (D)	32nd	Fayetteville	Emergency Physician/Paramedic	79th-81st; 84th
Steele, Brandon (R)	29th	Beckley	Attorney	84th
Storch, Erika (R)	3rd	Wheeling	Financial Officer	80th - 84th
Summers, Amy (R)	49th	Flemington	Registered Nurse	82nd - 84th
Swartzmiller, Randy (D)	1st	Chester	Regulatory Compliance Management	75th - 81st; 84th
Sypolt, Terri Funk (R)	52nd	Kingwood	Assessor	83rd - 84th
Thompson, Cody H. (D)	43rd	Elkins	Educator	84th
Thompson, Robert (D)	19th	Wayne	Teacher	83rd - 84th
Tomblin, Tim (D)	24th	Logan	Self-Employed	84th
Toney, Christopher Wayne (R)	31st	Beckley	School Bus Operator	84th
Walker, Danielle (D)	51st	Morgantown	Direct Care Worker	84th
Waxman, Terry (R)	48th	Bridgeport	Homemaker	82nd; 84th
Westfall, Steve (R)	12th	Ripley	Insurance Agent	81st - 84th
Williams, John (D)	51st	Morgantown	Insurance Sales	83rd - 84th
Wilson, S. Marshall (R)	60th	Gerrardstown	Author/Army Officer	83rd - 84th
Worell, Evan (R)	18th	Barboursville	Healthcare Data Analytics	84th
Zukoff, Lisa (D)	4th	Moundsville	Business Owner	84th

<sup>1</sup> Sergeant-at-Arms Anne Lieberman resigned March 1, 2019, and Marshall Clay was elected to fill the vacancy on June 18, 2019.

<sup>2</sup> Jason Harshbarger resigned August 30, 2019. Trenton Barnhart appointed to fill the unexpired term on September 17, 2019.

<sup>3</sup> Ray Hollen resigned May 12, 2019. Charles F. Little appointed to fill the unexpired term on May 20, 2019.

<sup>4</sup> Daniel Linville appointed August 1, 2018 to fill the unexpired term of Charles C. "Chuck" Romine, who resigned effective July 13, 2018.

<sup>5</sup> Sharon Malcolm died September 30, 2019. T. Kevan Bartlett appointed to fill the unexpired term on October 21, 2019.

<sup>6</sup> Delegate Jeff Eldridge, who served during the 2018 Second Extraordinary Session, switched from Democrat to Independent on May 22, 2018.

<sup>7</sup> For roster information regarding Delegates who served during the 2018 Second Extraordinary Session, please see the 2018 Journal.

# MEMBERS OF THE SENATE

## REGULAR SESSION, 2019

### OFFICERS

*President:* Mitch Carmichael – Ripley

*Clerk:* Bruce Lee Cassis, Jr. – Charleston

*Sergeant-at-Arms:* Joseph Allen Freedman – Charleston

*Doorkeeper:* Jeffrey Branham – Cross Lanes

Name	District	City	Occupation	Legislative Service
Azinger, Michael T. (R)	3rd	Vienna	Manager	82nd (House); 83rd - 84th
Baldwin, Stephen (D)	10th	Ronceverte	Minister	83rd (House); Appt. Oct. 16, 2017, 83rd; 84th
Beach, Robert D. (D)	13th	Morgantown		Appt. April 24, 1998, 73rd (House); 75th - 79th (House); 80th - 84th
Blair, Craig (R)	15th	Martinsburg	Businessman	76th - 79th (House); 81st - 84th
Boley, Donna J. (R)	3rd	St. Marys	Retired	Appt. May 14, 1985, 67th; 68th - 84th
<sup>1</sup> Boso, Gregory L. (R)	11th	Summersville	Civil Engineer	82nd - 84th
Carmichael, Mitch (R)	4th	Ripley	Sales Director	75th - 80th (House); 81st - 84th
Clements, Charles H. (R)	2nd	New Martinsville	Retired	77th (House); Appt. Jan. 28, 2017, 83rd; 84th
Cline, Sue (R)	9th	Brenton	Real Estate Agent	Appt. Jan. 22, 2016, 82nd; 83rd - 84th
Facemire, Douglas E. (D)	12th	Sutton	Owner, Grocery Chain	79th - 84th
Hamilton, Bill (R)	11th	Upshur	Retired	76th-83rd (House); 84th
<sup>2</sup> Hardesty, Paul (D)	7th	Holden	Businessman	Appt. Jan. 17, 2019, 84th
Ihlenfeld, William (D)	1st	Wheeling	U.S. Attorney	84th
Jeffries, Glenn D. (D)	8th	Red House	Businessman	83rd - 84th
Lindsay, Richard D. (D)	8th	Charleston	Attorney	84th
Mann, Kenny (R)	10th	Greenville	Funeral Director	83rd - 84th
Maroney, Michael J. (R)	2nd	Glen Dale	Physician	83rd - 84th
Maynard, Mark R. (R)	6th	Genoa	Automobile Dealer	82nd - 84th
Palumbo, Corey (D)	17th	Charleston	Attorney	79th - 78th (House); 79th - 84th
Plymale, Robert H. (D)	5th	Huntington	Businessman	71st - 84th
Prezioso, Roman W. Jr. (D)	13th	Fairmont	Administrator	69th - 73rd (House); 73rd - 84th
Roberts, Rollan (R)	9th	Raleigh	Minister	84th
Romano, Michael J. (D)	12th	Clarksburg	Attorney/CPA	82nd - 84th
Rucker, Patricia Puertas (R)	16th	Harpers Ferry	Home Schooling Mother	83rd - 84th
Smith, Randy E. (R)	14th	Davis	Coal Miner	81st - 82nd (House); 83rd - 84th
Stollings, Ron D. (D)	7th	Madison	Physician	78th - 84th
Swope, Chandler (R)	6th	Mercer	Retired	83rd - 84th
Sypolt, Dave (R)	14th	Kingwood	Professional Land Surveyor	78th - 84th
Takubo, Tom (R)	17th	Charleston	Physician	82nd - 84th
Tarr, Eric J. (R)	4th	Putnam	Small Business Owner	84th
Trump IV, Charles S. (R)	15th	Berkeley Springs	Attorney	71st - 77th (House); 82nd - 84th
Unger II, John R. (D)	16th	Martinsburg	Businessman/Economic Development	74th - 84th
Weld, Ryan W. (R)	1st	Wellsburg	Attorney	82nd (House); 83rd - 84th
Woelfel, Michael A. (D)	5th	Huntington	Lawyer	82nd - 84th

<sup>1</sup> Greg Boso resigned September 26, 2019. John "J. R." Pitsenbarger appointed to fill the vacancy on October 17, 2019.

<sup>2</sup> Paul Hardesty appointed January 17, 2019, to fill the vacancy created by the resignation of Richard Ojeda, who resigned January 14, 2019.

<sup>3</sup> For roster information regarding Senators who served during the 2018 Second Extraordinary Session, please see the 2018 Journal.





HOUSE OF DELEGATES COMMITTEES

**COMMITTEES OF THE HOUSE OF DELEGATES**

**Regular Session, 2019**

(As of January 9, 2019)

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**STANDING**

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**AGRICULTURE AND NATURAL RESOURCES**

Cooper (*Chair, Agriculture*), Harshbarger (*Chair, Natural Resources*), Cadle (*Vice Chair, Agriculture*), Atkinson (*Vice Chair, Natural Resources*), Hartman (*Minority Chair, Agriculture*), Tomblin (*Minority Chair, Natural Resources*), R. Thompson (*Minority Vice Chair, Agriculture*), Hansen (*Minority Vice Chair, Natural Resources*), Anderson, Dean, Hott, J. Jeffries, D. Kelly, Linville, Paynter, Phillips, Sypolt, Westfall, Wilson, Campbell, Lavender-Bowe, Rodighiero, Sponaugle, Swartzmiller and Zukoff.

**BANKING AND INSURANCE**

Nelson (*Chair, Banking*), Westfall (*Chair, Insurance*), Criss (*Vice Chair, Banking*), Azinger (*Vice Chair, Insurance*), Estep-Burton (*Minority Chair, Banking*), Williams (*Minority Chair, Insurance*), Lovejoy (*Minority Vice Chair, Banking*), N. Brown (*Minority Vice Chair, Insurance*), Capito, Espinosa, Graves, Hott, Householder, D. Jeffries, P. Martin, McGeehan, Porterfield, Shott, Waxman, Barrett, Bates, Hartman, Robinson, Rowe and Sponaugle.

**EDUCATION**

Hamrick (*Chair*), Dean (*Vice Chair*), Hornbuckle (*Minority Chair*), Doyle (*Minority Vice Chair*), Atkinson, Bibby, Butler, Cooper, Hanna, Higginbotham, Jennings, J. Kelly, P. Martin, Rohrbach, Toney, Waxman, Westfall, Campbell, Estep-Burton, Evans, Lavender-Bowe, Rodighiero, C. Thompson, R. Thompson and Zukoff.

## HOUSE OF DELEGATES COMMITTEES

### **ENERGY**

Anderson (*Chair*), J. Kelly (*Vice Chair*), Evans (*Minority Chair*), Pethtel (*Minority Vice Chair*), Azinger, Cadle, Harshbarger, Higginbotham, Hott, J. Jeffries, Kessinger, P. Martin, Maynard, Nelson, Paynter, Phillips, Porterfield, Boggs, Caputo, Diserio, Hansen, Hartman, Hicks, Miley and Tomblin.

### **ENROLLED BILLS**

Capito (*Chair*), Atkinson (*Vice Chair*), Westfall, Byrd and Pushkin.

### **FINANCE**

Householder (*Chair*), Criss (*Vice Chair*), Bates (*Minority Chair*), Barrett (*Minority Vice Chair*), Anderson, Butler, Cowles, Ellington, Espinosa, Graves, Hardy, Hill, Linville, Maynard, Rowan, Storch, Westfall, Boggs, Hartman, Longstreth, Pethtel, Rowe, Skaff, Sponaugle and Williams.

### **FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES**

Maynard (*Chair*), Jennings (*Vice Chair*), Angelucci (*Minority Chair*), Campbell (*Minority Vice Chair*), J. Jeffries, Pack, Paynter, Sypolt, Worrell, Lovejoy and Miller.

### **GOVERNMENT ORGANIZATION**

Howell (*Chair*), Pack (*Vice Chair*), Pyles (*Minority Chair*), Diserio (*Minority Vice Chair*), Azinger, Bibby, Cadle, Hott, D. Jeffries, J. Jeffries, C. Martin, Nelson, Paynter, Phillips, Porterfield, Sypolt, Worrell, Angelucci, Caputo, Hansen, Hicks, Staggers, Swartzmiller, Tomblin and Walker.

### **HEALTH AND HUMAN RESOURCES**

Ellington (*Chair*), Hill (*Vice Chair*), Pushkin (*Minority Chair*), Staggers (*Minority Vice Chair*), Atkinson, Butler, Criss, Dean,

## HOUSE OF DELEGATES COMMITTEES

Hollen, D. Jeffries, Pack, Queen, Rohrbach, Rowan, Summers, Wilson, Worrell, Angelucci, Bates, Estep-Burton, Fleischauer, Lavender-Bowe, Robinson, C. Thompson and Walker.

### INDUSTRY AND LABOR

Fast (*Chair*), P. Martin (*Vice Chair*), Miller (*Minority Chair*), Hicks (*Minority Vice Chair*), Dean, Foster, Hanna, Harshbarger, Hill, Householder, D. Jeffries, Jennings, Kump, Malcolm, Porterfield, Shott, Worrell, N. Brown, S. Brown, Caputo, Diserio, Fluharty, Pushkin, Skaff and C. Thompson.

### INTERSTATE COOPERATION

Storch (*Chair*), Waxman (*Vice Chair*), Bibby, Ellington, Estep-Burton, Fleischauer and Lovejoy.

### JUDICIARY

Shott (*Chair*), Capito (*Vice Chair*), Fleischauer (*Minority Chair*), Fluharty (*Minority Vice Chair*), Fast, Foster, Harshbarger, Hollen, D. Kelly, Kessinger, Kump, Malcolm, Mandt, McGeehan, Queen, Steele, Wilson, N. Brown, S. Brown, Byrd, Canestraro, Lovejoy, Miller, Pushkin and Robinson.

### PENSIONS AND RETIREMENT

Hollen (*Chair*), Graves (*Vice Chair*), Pethtel (*Minority Chair*), Evans (*Minority Vice Chair*), Malcolm and Pack.

### POLITICAL SUBDIVISIONS

Storch (*Chair*), Cowles (*Vice Chair*), Robinson (*Minority Chair*), S. Brown (*Minority Vice Chair*), Anderson, Azinger, Capito, Dean, Fast, Foster, Graves, Hamrick, Jennings, J. Kelly, C. Martin, Phillips, Wilson, Barrett, Canestraro, Doyle, Longstreth, Miller, Pyles, Walker and Williams.

## HOUSE OF DELEGATES COMMITTEES

### **PREVENTION AND TREATMENT OF SUBSTANCE ABUSE**

Rohrbach (*Chair*), Hollen (*Vice Chair*), Robinson (*Minority Chair*), Walker (*Minority Vice Chair*), Ellington, Hanna, D. Kelly, Kessinger, Mandt, Hornbuckle and Pushkin.

### **RULE-MAKING REVIEW**

Foster (*Chair*), Butler (*Vice Chair*), P. Martin, Steele, Fleischauer and Rowe.

### **RULES**

Hanshaw (*Chair*), Summers (*Vice Chair*), Anderson, Cowles, Ellington, Espinosa, Foster, Hamrick, Householder, Howell, Kessinger, Shott, Barrett, Bates, Caputo, Fleischauer, Miley, Miller, Pethtel and Sponaugle.

### **SENIOR, CHILDREN, AND FAMILY ISSUES**

Rowan (*Chair*), Rohrbach (*Vice Chair*), Boggs (*Minority Chair*), Rodighiero (*Minority Vice Chair*), Graves, Hanna, J. Kelly, Kessinger, Linville, Malcolm, Mandt, C. Martin, P. Martin, Maynard, Queen, Sypolt, Toney, Canestraro, Estep-Burton, Fluharty, Longstreth, Lovejoy, Pethtel, Pyles and Williams.

### **SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT**

Higginbotham (*Chair*), Queen (*Vice Chair*), Skaff (*Minority Chair*), Lavender-Bowe (*Minority Vice Chair*), Atkinson, Cowles, Ellington, Hardy, Hill, Mandt, C. Martin, Nelson, Phillips, Steele, Toney, Waxman, Westfall, Byrd, Doyle, Hartman, Hicks, Hornbuckle, Miley, R. Thompson and Tomblin.

### **TECHNOLOGY AND INFRASTRUCTURE**

Butler (*Chair*), Linville (*Vice Chair*), Rowe (*Minority Chair*), C. Thompson (*Minority Vice Chair*), Cadle, Capito, Criss, Espinosa,

## HOUSE OF DELEGATES COMMITTEES

Fast, Hamrick, Hardy, Howell, Kump, Maynard, Paynter, Rohrbach, Storch, Angelucci, Boggs, Diserio, Evans, Hansen, Staggers, Walker and Zukoff.

### **VETERANS' AFFAIRS AND HOMELAND SECURITY**

McGeehan (*Chair, Veterans' Affairs*), Jennings (*Chair, Homeland Security*), Butler (*Vice Chair, Veterans' Affairs*), Paynter (*Vice Chair, Homeland Security*), Longstreth (*Minority Chair, Veterans' Affairs*), Canestraro (*Minority Chair, Homeland Security*), Byrd (*Minority Vice Chair, Veterans' Affairs*), Swartzmiller (*Minority Vice Chair, Homeland Security*), Bibby, Cooper, Higginbotham, Hollen, D. Kelly, J. Kelly, Pack, Rowan, Steele, Sypolt, Worrell, Angelucci, Campbell, Fleischauer, Pethtel, Pushkin and Staggers.



SENATE COMMITTEES

**COMMITTEES OF THE SENATE**

**Regular Session, 2019**  
(As of January 18, 2019)

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**STANDING**

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**AGRICULTURE AND RURAL DEVELOPMENT**

Sypolt (*Chair*), Mann (*Vice Chair*), Clements, Cline, Maynard, Rucker, Smith, Baldwin, Beach, Hardesty, and Unger.

**BANKING AND INSURANCE**

Azinger (*Chair*), Clements (*Vice Chair*), Blair, Hamilton, Rucker, Swope, Tarr, Weld, Facemire, Jeffries, Palumbo, Prezioso, and Romano.

**CONFIRMATIONS**

Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Blair, Boso, Weld, Palumbo, Plymale, and Prezioso.

**ECONOMIC DEVELOPMENT**

Maynard (*Chair*), Swope (*Vice Chair*), Azinger, Cline, Hamilton, Mann, Roberts, Tarr, Baldwin, Ihlenfeld, Jeffries, Romano, Stollings, and Woelfel.

**EDUCATION**

Rucker (*Chair*), Blair (*Vice Chair*), Azinger, Boley, Cline, Maynard, Roberts, Trump, Baldwin, Beach, Plymale, Romano, Stollings, and Unger.

**ENERGY, INDUSTRY AND MINING**

Smith (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Cline, Hamilton, Mann, Swope, Facemire, Ihlenfeld, Jeffries, Lindsay, and Woelfel.

## SENATE COMMITTEES

### ENROLLED BILLS

Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

### FINANCE

Blair (*Chair*), Mann (*Vice Chair*), Boley, Hamilton, Maroney, Roberts, Swope, Sypolt, Takubo, Tarr, Facemire, Ihlenfeld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

### GOVERNMENT ORGANIZATION

Boso (*Chair*), Swope (*Vice Chair*), Clements, Mann, Maroney, Smith, Sypolt, Tarr, Facemire, Ihlenfeld, Jeffries, Lindsay, Palumbo, and Woelfel.

### HEALTH AND HUMAN RESOURCES

Maroney (*Chair*), Tarr (*Vice Chair*), Azinger, Maynard, Roberts, Rucker, Takubo, Weld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

### INTERSTATE COOPERATION

Cline (*Chair*), Maynard (*Vice Chair*), Boso, Hamilton, Hardesty, Ihlenfeld, and Unger.

### JUDICIARY

Trump (*Chair*), Weld (*Vice Chair*), Azinger, Boso, Clements, Cline, Maynard, Rucker, Smith, Takubo, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Romano, and Woelfel.

### MILITARY

Weld (*Chair*), Maroney (*Vice Chair*), Cline, Hamilton, Smith, Sypolt, Facemire, Hardesty, and Lindsay.



## SENATE COMMITTEES

### NATURAL RESOURCES

Maynard (*Chair*), Mann (*Vice Chair*), Cline, Hamilton, Roberts, Rucker, Smith, Sypolt, Beach, Facemire, Hardesty, Prezioso, and Stollings.

### PENSIONS

Azinger (*Chair*), Hamilton (*Vice Chair*), Boso, Trump, Ihlenfeld, Plymale, and Romano.

### RULES

Carmichael (*Chair*), Blair, Boley, Maroney, Sypolt, Takubo, Trump, Palumbo, Plymale, Prezioso, and Stollings.

### TRANSPORTATION AND INFRASTRUCTURE

Clements (*Chair*), Swope (*Vice Chair*), Boley, Boso, Mann, Roberts, Beach, Jeffries, and Plymale.

### WORKFORCE

Swope (*Chair*), Weld (*Vice Chair*), Boley, Maroney, Rucker, Smith, Tarr, Baldwin, Beach, Jeffries, and Stollings.



**SCHEDULE SHOWING LEGISLATIVE DAYS  
AND CALENDAR DAYS  
AND PAGES OF JOURNAL COVERING SAME**

**REGULAR SESSION, 2019**

	Page
1st Day..... Wednesday..... January 9.....	1
2nd Day ..... Thursday ..... January 10.....	191
3rd Day.....Friday..... January 11.....	223
6th Day ..... Monday ..... January 14.....	241
7th Day ..... Tuesday ..... January 15.....	265
8th Day ..... Wednesday..... January 16.....	287
9th Day ..... Thursday ..... January 17.....	305
10th Day ..... Friday..... January 18.....	343
13th Day ..... Monday ..... January 21.....	359
14th Day ..... Tuesday ..... January 22.....	395
15th Day ..... Wednesday..... January 23.....	419
16th Day ..... Thursday ..... January 24.....	437
17th Day ..... Friday..... January 25.....	473
20th Day ..... Monday ..... January 28.....	501
21st Day..... Tuesday..... January 29.....	529
22nd Day ..... Wednesday..... January 30.....	553
23rd Day ..... Thursday ..... January 31.....	593
24th Day ..... Friday..... February 1.....	617
27th Day ..... Monday ..... February 4.....	649
28th Day ..... Tuesday..... February 5.....	683
29th Day ..... Wednesday..... February 6.....	763
30th Day ..... Thursday ..... February 7.....	795
31st Day..... Friday..... February 8.....	825
34th Day ..... Monday ..... February 11.....	879
35th Day ..... Tuesday..... February 12.....	921
36th Day ..... Wednesday..... February 13.....	1017
37th Day ..... Thursday ..... February 14.....	1427
38th Day ..... Friday..... February 15.....	1459
41st Day..... Monday ..... February 18.....	1481
42nd Day ..... Tuesday..... February 19.....	1515
43rd Day ..... Wednesday..... February 20.....	1723
44th Day ..... Thursday ..... February 21.....	1755
45th Day ..... Friday..... February 22.....	1843
48th Day ..... Monday ..... February 25.....	1901
49th Day ..... Tuesday..... February 26.....	1961

50th Day .....	Wednesday .....	February 27.....	2035
51st Day.....	Thursday .....	February 28.....	2093
52nd Day .....	Friday .....	March 1.....	2127
53rd Day .....	Saturday .....	March 2.....	2167
55th Day .....	Monday .....	March 4.....	2267
56th Day .....	Tuesday .....	March 5.....	2325
57th Day .....	Wednesday.....	March 6.....	2449
58th Day .....	Thursday .....	March 7.....	2607
59th Day .....	Friday .....	March 8.....	3285
60th Day .....	Saturday .....	March 9.....	3529

**FIRST EXTRAORDINARY SESSION, 2019**

1st Day.....	Saturday .....	March 9.....	4143
2nd Day .....	Sunday .....	March 10.....	Senate only
3rd Day.....	Monday .....	May 20.....	4147
4th Day .....	Saturday .....	June 1.....	Senate only
5th Day .....	Sunday .....	June 2.....	Senate only
6th Day .....	Monday .....	June 3.....	Senate only
7th Day .....	Monday .....	June 17.....	4225
8th Day .....	Tuesday .....	June 18.....	4291
9th Day .....	Wednesday.....	June 19.....	4321
10th Day .....	Monday .....	June 24.....	Senate only
11th Day .....	Monday .....	July 22 .....	4401
12th Day .....	Tuesday .....	July 23 .....	4425
13th Day .....	Monday .....	September 23 .....	Senate only

**SECOND EXTRAORDINARY SESSION, 2019**

1st Day.....	Monday .....	November 18 .....	4435
2nd Day .....	Tuesday .....	November 19 .....	Senate only
3rd Day.....	Monday .....	December 16.....	4449

**SECOND EXTRAORDINARY SESSION, 2018**

1st Day.....	Tuesday .....	June 26.....	4455
2nd Day .....	Monday .....	August 13 .....	4467
3rd Day.....	Tuesday .....	August 14 .....	4495
4th Day .....	Monday .....	August 20 .....	Senate only
5th Day .....	Wednesday.....	August 29 .....	4517
6th Day .....	Tuesday .....	September 11 .....	Senate only
7th Day .....	Monday .....	October 1 .....	Senate only
8th Day .....	Tuesday .....	October 2 .....	Senate only
9th Day .....	Monday .....	October 15 .....	Senate only
10th Day .....	Monday .....	December 10.....	Senate only



West Virginia Legislature  
Journal  
of the  
House of Delegates

Eighty-Fourth Legislature  
First Regular Session

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Charleston, Wednesday, January 9, 2019

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This being the day fixed by Section 18, Article VI of the Constitution of the State of West Virginia, for the annual assembly of the Legislature, the Members-elect of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston at 12:00 noon and the Clerk of the last House of Delegates, the Honorable Stephen J. Harrison, announced that the Honorable Bill Anderson, the Delegate-elect from the 8<sup>th</sup> Delegate District, was the oldest member in point of continuous service and, in accordance with Section 18, Article VI of the Constitution, would preside over the organization of the House of Delegates until a Speaker was chosen and shall have taken his seat.

Delegate-elect Anderson then assumed the Chair and called the House of Delegates to order.

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

**MESSAGES FROM THE EXECUTIVE  
AND OTHER COMMUNICATIONS**

The Honorable Mac Warner, Secretary of State presented a communication which was received and laid before the House, containing the official returns of the election held on the 6<sup>th</sup> day of November, 2018, covering the 100 seats in the House of Delegates, which returns were accompanied by certificates for those appearing to have been elected by the voters of the 67 Delegate Districts.

**DELEGATES ELECTED**

The names of those whose credentials showed they were regularly elected members of the House of Delegates of the Eighty-fourth Legislature in accordance with the laws of West Virginia were as follows:

**First District**

Pat McGeehan  
Randy Swartzmiller

**Second District**

Phillip W. Diserio

**Third District**

Shawn Fluharty  
Erikka Storch

**Fourth District**

Joe Canestraro  
Lisa Zukoff

**Fifth District**

Dave Pethtel

**Sixth District**

David L. Kelly

**Seventh District**

Jason S. Harshbarger

**Eighth District**

E. W. "Bill" Anderson, Jr.

**Ninth District**

Ray Hollen

**Tenth District**

Tom Azinger  
Vernon Criss  
John R. Kelly

**Eleventh District**

Martin “Rick” Atkinson

**Twelfth District**

Steve Westfall

**Thirteenth District**

Scott Cadle

Joshua Kurt Higginbotham

**Fourteenth District**

Jim Butler

**Fifteenth District**

Geoff Foster

**Sixteenth District**

Sean Hornbuckle

Daniel Linville

John F. Mandt

**Seventeenth District**

Chad Lovejoy

Matthew Rohrbach

**Eighteenth District**

Evan Worrell

**Nineteenth District**

Kenneth “Ken” Paul Hicks

Robert Thompson

**Twentieth District**

Nathan D. Brown

**Twenty-first District**

Mark Dean

**Twenty-second District**

Joe Jeffries

Zach Maynard

**Twenty-third District**

Rodney A. Miller

**Twenty-fourth District**

Ralph Rodighiero

Tim Tomblin

**Twenty-fifth District**

Tony Paynter

**Twenty-sixth District**

Ed Evans

**Twenty-seventh District**

Joe Ellington

Eric Porterfield

John H. Shott

**Twenty-eighth District**

Roy G. Cooper

Jeffrey Pack

**Twenty-ninth District**

Brandon Steele

**Thirtieth District**

Mick Bates

**Thirty-first District**

Christopher Wayne Toney

**Thirty-second District**

Tom Fast

Kayla Kessinger

Margaret Anne Staggers

**Thirty-third District**

Roger Hanshaw

**Thirty-fourth District**

Brent Boggs

**Thirty-fifth District**

Andrew D. Byrd

Moore Capito

Eric Nelson

Doug Skaff, Jr.

**Thirty-sixth District**

Amanda Estep-Burton

Andrew Robinson

Larry L. Rowe

**Thirty-seventh District**

Mike Pushkin

**Thirty-eighth District**

Dianna Graves

**Thirty-ninth District**

Sharon Lewis Malcolm

**Fortieth District**

Dean Jeffries

**Forty-first District**

Jordan Hill

**Forty-second District**

Cindy Lavender-Bowe

Jeff Campbell

**Forty-third District**

Bill Hartman

Cody H. Thompson

**Forty-fourth District**

Caleb Hanna

**Forty-fifth District**

Carl "Robbie" Martin

**Forty-sixth District**

Patrick S. Martin

**Forty-seventh District**

Chris Phillips

**Forty-eighth District**

Danny Hamrick

Tim Miley

Ben Queen

Terry Waxman

**Forty-ninth District**

Amy Summers

**Fiftieth District**

Michael Angelucci

Mike Caputo

Linda Longstreth

**Fifty-first District**

Barbara Evans Fleischauer

Evan Hansen

Rodney A. Pyles

Danielle Walker

John Williams



**Fifty-second District**

Terri Funk Sypolt

**Fifty-third District**

D. R. "Buck" Jennings

**Fifty-fourth District**

John Paul Hott II

**Fifty-fifth District**

Isaac Sponaugle

**Fifty-sixth District**

Gary G. Howell

**Fifty-seventh District**

Ruth Rowan

**Fifty-eighth District**

Daryl E. Cowles

**Fifty-ninth District**

Larry D. Kump

**Sixtieth District**

S. Marshall Wilson

**Sixty-first District**

Jason Barrett

**Sixty-second District**

Tom Bibby

**Sixty-third District**

John Hardy

**Sixty-fourth District**

Eric L. Householder

**Sixty-fifth District**

Sammi Brown

**Sixty-sixth District**

Paul Espinosa

**Sixty-seventh District**

John Doyle

In the absence of objection, the returns of the election of Delegates as presented by the Secretary of State were accepted and filed with the Clerk of the House.

\* \* \* \* \*

The Clerk then called the roll (**Quorum Call**), and the following answered to their names:

Anderson	Ellington	Howell	Pethtel
Angelucci	Espinosa	Jeffries, D.	Phillips
Atkinson	Estep-Burton	Jeffries, J.	Porterfield
Azinger	Evans	Jennings	Pushkin
Barrett	Fast	Kelly, D.	Pyles
Bates	Fleischauer	Kelly, J.	Queen
Bibby	Fluharty	Kessinger	Robinson
Boggs	Foster	Kump	Rodighiero
Brown, N.	Graves	Lavender-Bowe	Rohrbach
Brown, S.	Hamrick	Linville	Rowan
Butler	Hanna	Longstreth	Rowe
Byrd	Hansen	Lovejoy	Shott
Cadle	Hanshaw	Malcolm	Skaff
Campbell	Hardy	Mandt	Sponaule
Canestraro	Harshbarger	Martin, C.	Staggers
Capito	Hartman	Martin, P.	Steele
Caputo	Hicks	Maynard	Storch
Cooper	Higginbotham	McGeehan	Summers
Cowles	Hill	Miley	Swartzmiller
Criss	Hollen	Miller	Sypolt
Dean	Hornbuckle	Nelson	Thompson, C.
Diserio	Hott	Pack	Thompson, R.
Doyle	Householder	Paynter	Tomblin

Toney	Waxman	Williams	Worrell
Walker	Westfall	Wilson	Zukoff

The roll disclosing that 100 Delegates-elect had answered to their names, the Presiding Officer declared the presence of a quorum.

All the Delegates-elect present then took the several oaths of office as prescribed by Section 16, Article VI of the Constitution of the State of West Virginia, which oaths of office were administered by the Honorable Beth Walker, Chief Justice of the West Virginia Supreme Court of Appeals.

### **ELECTION OF SPEAKER**

The Presiding Officer announced that the next order of business was the election of a Speaker of the House of Delegates for the Eighty-fourth Legislature and stated that nominations were now in order.

### **MAJORITY NOMINATION**

Delegate Shott, from the 27<sup>th</sup> Delegate District, nominated the Honorable Roger Hanshaw from the 33<sup>rd</sup> Delegate District, as follows:

DELEGATE SHOTT. Thank you, Mr. Chairman, and good afternoon. It's my honor and my privilege to nominate for our next Speaker, our current Speaker, Roger Hanshaw. This is my...beginning of my fifth term, and I always look forward with great anticipation to this event the immense amount of suspense that is generated by such a hotly contested election and must admit though that the...there's also an immense amount of pressure on those of us who nominate those who are being considered for the candidates for that, we know that the outcome of this election can turn on a single word and that there are many fact checkers...fact checkers throughout the... throughout the House here,

ready to pounce on just any slip of the tongue, so I hope you'll understand and forgive my nervousness.

I want to tell you why I think we need to support our current Speaker for our next Speaker but if you had happened to be at the function this morning that the Chamber of Commerce schedules they call it "Issues and Eggs" and I know a lot of you were there, I wouldn't have had to tell you why you need to support Roger Hanshaw for Speaker. His performance was exemplary and as you know the public face of this House is often the Speaker of this House. It's the person that the public associates with this House and today at that event, Roger was able to simplify and articulate a vision that I think all of us could embrace, a vision of making West Virginia the best possible place to live, raise a family, get a job or grow or start a business and that our job is basically to make that choice just a little bit easier for those who are looking at that possibility. Roger could not have done a better job. He would have made you proud, he certainly made me proud, and as I indicated, the public face of this House is our Speaker.

Also, the public sees our Speaker in the place of this podium up here. He's the person those millions who turn in when we have a streamed floor session, sees as the person who operates, who's responsible for the efficient administration of the House and Roger, as one of only two hundred and fifty certified parliamentarians in this entire country, is well qualified to...to hold that position. And why is that so important? Why is it important? Well, I guess the first question that needs to be asked is, Do you value your time? Each of us, each of us has a limited amount during those sixty days of time that we're here. We have constituent requests to deal with, we have lobbyists to deal with, we have a plethora of work to do and our time on the floor is extremely value... valuable, and believe me, as someone who is now a member of AARP, who receives Medicare and Social Security retirement and who realizes that the grains of sand in my hourglass are drawing slim. My time I consider valuable and I know you do. That's why the efficient operation of this House

is extremely important. There's no one better to oversee that than Roger Hanshaw.

He's not only qualified, extremely qualified in parliamentary procedure, but he's also extremely decisive. One of the most decisive people that I've ever run into, you know where you stand, he'll be direct with you, but more importantly he'll make a quick and accurate decision and move this House along. He's also the person behind the curtain, the man behind the scenes that run, oversees the entire operation of this House. Roger is probably the most organized person that I've run into during my four terms here. He's not only organized; he's extremely intelligent. You probably all know by now he's got multiple degrees: a college degree, a PhD in chemistry, a law degree, extremely intelligent, but I then must say not an egghead. He's very practical.

He's very solutions-oriented. As I said he's very...and he's her daddy. Right? He has a great deal of common sense to couple with the intelligence. He has an incredible work ethic. It's been demonstrated time and time again. Those of you who worked with us on the Judiciary Committee has seen it first-hand. Those of you were involved in the flood committee that he chaired, co-chaired, have seen it. As I said, he is solution, solution-focused but he's guided by rock solid conservative principles. And if you saw him this morning you can tell me he performs extremely well under pressure.

All of those those, all of those characteristics make Roger uniquely qualified to continue as our Speaker. And it gives me great pride, pride that I can recommend his support by you, and nominate him as our next Speaker of the House

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The nomination of Delegate Hanshaw was seconded by the Honorable Amy Summers from the 49<sup>th</sup> Delegate District, with the following remarks:

DELEGATE SUMMERS. Thank you, Mr. Chairman. We've given this speech a few times now so I scaled mine way down and I just want the Speaker to know that

if he can survive raising two little girls he'll...he'll be fine ...he'll be fine in this job. I've been there, I'll give you some pointers.

Recently I read an article called "*What Great Leaders Do*" and when I read through this article and I thought about the leaders that we have in West Virginia, I felt that Roger had many of these attributes. They listen more than they talk, they communicate effectively and they have a vision. Speaker Hanshaw has a vision to make West Virginia a better place to live, work and raise a family and I like that vision for all of us because all of us can agree that that's what we want to do to move our state forward. Great leaders remain calm, commit to learning which he certainly has with a PhD, seek solutions and bounce back from setbacks. They assemble the right team and they operate with honor and integrity. Speaker Hanshaw possesses all of these qualities and therefore, I second the nomination of Roger Hanshaw to retain the position of West Virginia's Speaker of the House.

### **MINORITY NOMINATION**

Delegate Miller, from the 23<sup>rd</sup> Delegate District, then nominated the Honorable Tim Miley, the Delegate from the 48<sup>th</sup> Delegate District, as follows:

DELEGATE MILLER. Thank you, Mr. Chairman. Good morning. Good afternoon, I guess it is now. Coming off my first term, as a member of this esteemed group, I certainly didn't think that I would ever find myself standing before you to make a recommendation or a nomination as to who should be elected as a leader of our body. In preparing my remarks to do just that, I came to realize that there are some here who already know what I may be about to say about the person I'm placing before you at this time, but there are few folks, about thirty some odd I believe, that occupy the same seat as I did just a short time ago or what seemed to be a short time ago, as a new member so I considered what I would present to you as well.

I will try to be brief as I rise before you to make the nomination of Tim Miley as our next Speaker of the 84<sup>th</sup> Session. In doing so there are some things that come to mind. It looks easy when a party is in control and at that point I guess we can say everybody wants to be a leader of that group. In our case, being in the minority is not nearly as glamorous or as fun as things appear but it is a position where real work takes place. This means working with all the varied backgrounds and ideas each of us may have and working across the aisle as we advocate the position for the hardworking people of the great State of West Virginia. It takes hard work with experience, knowledge of the system, institutional knowledge of this body, as well as the personality to listen and work well with others. Having previously served as Speaker of the House and Minority Leader, Delegate Miley doesn't always take the easy road travelled but takes the difficult road when needed, without hesitation for the betterment of our body, this State and our people. Leadership is something you earn, something you're chosen for. You can't just come in demanding and yelling, "I am your leader" and just expect it to be so. If it happens it's because others respect you, they trust you. Being a good leader requires remembering that you're there for a reason and that reason certainly isn't to always have your way, but to work with others to find the right way. Leaders like Delegate Miley not only welcome questioning and criticism, he insists it. He desires your input and consistently welcomes your conversation on various topics. I've regularly heard him ask members during discussion, "Well, what are your thoughts on that?," rather than tell them what their thoughts ought to be. A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go at times but ought to be. It's easy to say, let's say in current terms we may be familiar with, "Want to go pass some laws? Let's go pass some laws." But as we all well know there's more to it than just making a declaration and watching it happen.

Bipartisan work is what we should all strive for in this chamber but it is just that, work. With all the varied

backgrounds, life experiences and ideas brought together to form the 84<sup>th</sup> session, it is a goal we should all strive for, to work toward. Delegate Miley can certainly lead that effort. He has a genuine understanding that whether in the minority or in the majority, this does not keep any of us or all of us from being in the majority for good ideas, effective legislation, for making our State better, for getting back to business, of helping the people of the great State of West Virginia. I've witnessed his bravery and intelligence to step forward and tackle the difficult issues and defend tax, a tax on our membership and the hardworking people of West Virginia that we all come here to represent. While he is one of the first to step forward to take a bullet for us, to defend our body, when we are attacked, he is also the first to step aside and promote our membership to run with good ideas and advocate certain positions. Dwight D. Eisenhower once said, "The supreme quality of leadership is integrity." I believe he is a person who possesses that quality of integrity needed during these difficult times in West Virginia as issues have been and continues to be discovered at various levels of state government. Coming off a very trying 2018 for this body, surely we can all appreciate that.

I could go on and on and stand here and try to define what a leader is and their characteristics but from my experience it's probably better to just present you one. With that being said, Mr. Chairman, it's my honor and privilege to place Delegate Timothy R. Miley in nomination for Speaker of the West Virginia House of Delegates. Thank you, Mr. Chairman.

The nomination of Delegate Miley was seconded by the Honorable Jason Barrett of the 61<sup>st</sup> Delegate District, with the following remarks:

DELEGATE BARRETT. Thank you, Mr. Chairman. It is certainly my honor and privilege to second the nomination for Tim Miley to be the next Speaker of this House. When I think about the leadership qualities that I want in a Speaker, I think about someone that makes



decisions based on reason and logic, not someone that bases them on emotion.

Several years ago ... five years ago I guess, I was first elected here as a freshman Democrat ... a freshman Delegate, in the majority and I remember the first time that I met Tim Miley, who was the Judiciary Chairman at the time and I obviously didn't serve on Judiciary but we were at a reception at the Marriott late one evening and he came up and introduced himself. I knew who he was but I really didn't know him and that first impression that he made on me about what his ... wanting to know what was important to me, the issues facing my district, what I thought would be in the best interest of West Virginia moving forward and not ... he wasn't there to influence me or to try to tell me about him, he wanted to hear about me and that's the way that he's been with our caucus for so long. Someone that really wants to work with everyone in an extremely bipartisan manner and he was elected Speaker of this House. He is the person with experience of governing this body. And I can tell you it was always our agenda, not his agenda.

There were so many conversations that he's had with so many of us about our vision for West Virginia and his leadership style and his listening ability is really what this House of Delegates needs in moving forward. We all want to have an active role in the body. We all want to have some type of position to be on the committees that we want to be on and I can tell you having served with Tim Miley for several years now, that he always has encouraged each one of us, and more importantly, he has expected each one of us to have an active role. There is no one in my view more ready, more equipped to lead this House of Delegates moving forward, in a time where West Virginia, I believe, is really on the cusp of something great and for that reason again, it is my honor and privilege to second the nomination of Tim Miley.

\* \* \* \* \*

There being no further nominations, on motion of Delegate Shott, the Presiding Officer declared nominations closed.

The Clerk then called the roll, the result of which was as follows:

Delegates voting for Delegate Hanshaw - 59, as follows:

Anderson	Graves	Kelly, J.	Porterfield
Atkinson	Hamrick	Kessinger	Queen
Azinger	Hanna	Kump	Rohrbach
Bibby	Hardy	Linville	Rowan
Butler	Harshbarger	Malcolm	Shott
Cadle	Higginbotham	Mandt	Steele
Capito	Hill	Martin, C.	Storch
Cooper	Hollen	Martin, P.	Summers
Cowles	Hott	Maynard	Sypolt
Criss	Householder	McGeehan	Toney
Dean	Howell	Miley	Waxman
Ellington	Jeffries, D.	Nelson	Westfall
Espinosa	Jeffries, J.	Pack	Wilson
Fast	Jennings	Paynter	Worrell
Foster	Kelly, D.	Phillips	

Delegates voting for Delegate Miley - 41, as follows:

Angelucci	Bates	Brown, N.	Byrd
Barrett	Boggs	Brown, S.	Campbell

Canestraro	Hanshaw	Pushkin	Thompson, C.
Caputo	Hartman	Pyles	Thompson, R.
Diserio	Hicks	Robinson	Tomblin
Doyle	Hornbuckle	Rodighiero	Walker
Estep-Burton	Lavender-Bowe	Rowe	Williams
Evans	Longstreth	Skaff	Zukoff
Fleischauer	Lovejoy	Sponaugle	
Fluharty	Miller	Staggers	
Hansen	Pethel	Swartzmiller	

The Presiding Officer stated that the total number of votes cast was 100, of which the Honorable Roger Hanshaw of the 33<sup>rd</sup> Delegate District received 59, and the Honorable Tim Miley of the 48<sup>th</sup> Delegate District received 41, and declared that the Honorable Roger Hanshaw, having received the majority of the votes cast, was duly elected Speaker of the House of Delegates. (Applause, the members rising)

Whereupon,

The Presiding Officer appointed Delegates Shott, Summers and Miley as a committee to escort the Speaker-elect to the Clerk's Desk.

Speaker-elect Hanshaw then took the oath of office as prescribed for the Speaker, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals.

Delegate Miley delivered the following remarks prior to presenting the Speaker to the House:

DELEGATE MILEY. Well, Delegate Hanshaw, I want to again congratulate you on being selected as Speaker of this body. You and I have developed a friendship over

the past few years as we have been serving together. We've had many conversations leading up to this day. I feel very strongly that you are sincere as am I, as am I, in working in a bipartisan effort going forward. While we won't always agree on every issue, I really believe that you have the heart of this state first and foremost in your mind and in your policy decisions and I can speak on behalf of the democratic minority, we very much look forward to working with you. I think for the sake of our state and the future of our kids we need to work together. We've had some private conversations that affected our families personally and I know you have that in mind. Congratulations.

At the conclusion of Delegate Miley's remarks, the Speaker then addressed the House as follows:

MR. SPEAKER, MR. HANSHAW. Friends, please be seated. It was perhaps the highest honor of my professional career to have gained your confidence in August, in the first opportunity I was given to serve as Speaker of this House, it was no less an honor this morning to have your confidence to be chosen again today to lead our House as we embark on this Legislature.

Every member of this body, all one hundred of us, as I said in August, as I said this morning and as I will say again now, chose a seat ...chose to seek a seat in this House for a reason. Each and every one of us chose to seek a seat in this Legislature because we were motivated to make West Virginia the best place we can make it to live, work and raise a family. Those issues transcend any divide that we have. Those issues transcend any disagreements that we have as party, as geography, as ideology because all of us, all of us have chosen West Virginia.

All of us have chosen West Virginia as our home. We have chosen it as the place where we have domiciled our family. We have chosen it as the place we have started and grown our business and my objective as Speaker of this House is to work with each and every

one of you to make that choice a little easier for our friends, our family, our neighbors and all 1.8 million West Virginians. There are things we can and will do together to make that happen.

In just a few moments there will be bills introduced in this Legislature for consideration to help bring our economy into the 21<sup>st</sup> century. We've worked together over the past three years to take steps to advance the connectivity of all of our rural communities to the rest of the world in two comprehensive broadband expansion bills, a number of those bills will be introduced today for consideration in this House. We have worked together over the course of the last interim period to address what we know to be a crisis in our State, with adoption and foster care issues that are plaguing our citizens, that are making it nearly impossible for some of the most vulnerable . . . , for some of the most vulnerable West Virginians, some of the most vulnerable citizens in our charge to grow up happy, healthy and successful here in our State. We will tackle that issue this session. We have done so up until this point together, we have done so in a bipartisan manner and that's my hope and expectation that we do so again. We know that that issue is an outgrowth and a symptom of a drug problem that has plagued our State and that has destroyed communities all across West Virginia. We know that we have more to do in terms of making all of those men and women and all those families who have been plagued by that terrible tragedy, employable again. We know that there are steps we have to take to train those West Virginians and all of our friends and family and neighbors for the jobs that we have here in our State. We know that workforce training is a problem. We know that workforce training needs transcend all industries, transcend all geography, transcend all sectors of our State and we will introduce proposals today and over the next fifty-nine days, to address that issue.

We will work together. We will do it together, because it's our objective, it's our mandate from our friends, our family and our neighbors to make West

Virginia the best place in America that we can make it to live, work and raise a family. My objective is to make that choice easier for all 1.8 million West Virginians and for all those friends and family and neighbors of ours who have left West Virginia but are longing to come home. I thank you for your support today. I am looking forward to working together with you for the next fifty-nine days of this session. Thank you for your confidence today.

The Speaker then assumed the Chair.

\* \* \* \* \*

### **ELECTION OF CLERK**

The next order of business being the election of the Clerk of the House of Delegates, the Speaker stated that nominations were now in order.

Delegate Fast, a Delegate from the 32<sup>nd</sup> District, nominated Stephen J. Harrison, of the County of Kanawha, as follows:

DELEGATE FAST. Thank you, Mr. Speaker. It is my honor and pleasure to nominate Stephen J. Harrison for the Clerk of the West Virginia House of Delegates for the 84<sup>th</sup> Legislature. Steve was first elected Clerk in 2014 and he has proven over the last four years that he is the right person for this job and that it is so important to the operation of the House of Delegates. Steve Harrison is no stranger to this body or to the legislative process. He served in the House of Delegates from 1992 to 2002, when then he ran for and was elected to the State Senate representing the people of Kanawha County.

A native of West Virginia, Steve is a graduate of Sissonville High School and Brown University. There he was a standout football player and I'm told he can still kick a football with the best of them. But I believe the Speaker would like to challenge you on that.

Steve is a devoted husband to his wife of 24 years, Kristen, and the father to twins, Maggie and Trey. He is a principled man of faith and I think the one word that

would best describe Steve Harrison is honorable. If you look up the meaning of the word honorable in the dictionary, you will find words such as honest, moral, ethical, principled, selflessness, humility and truthfulness. I believe these are the marks of an honorable man and it perfectly describes Steve Harrison.

Stephen J. Harrison has the experience and leadership skills to continue to serve as our House Clerk and I hope you will join me in supporting his reelection to that office. Thank you, Mr. Speaker.

### **Messages from the Senate**

A message from the Senate, by

Senators Hamilton, Azinger and Baldwin, announced that a quorum of the Senate had assembled and organized by the election of the Honorable Mitch Carmichael, 4<sup>th</sup> Senatorial District, as President; Lee Cassis, of the County of Kanawha, as Clerk; the election of other officers as provided by law, and was ready to proceed to the business of the session.

\* \* \* \* \*

The nomination for Clerk was seconded by Delegate Azinger of the 10<sup>th</sup> Delegate District, with the following remarks:

DELEGATE AZINGER. Thank you. It is indeed a rare honor and privilege to second the nomination of Steve Harrison to be the Clerk of the West Virginia House of Delegates. I first met Steve a quarter of a century ago I think, it's been a while anyway. I was a freshman, but shared an office with Steve and he helped me immensely, to learn the ropes.

I left the House four years ago during which time Steve served as your Clerk. Although I was not here, but for the last two months, I understand he did an outstanding job. The only complaint I heard was that he swore me in to take Frank Deem's place.

Steve was part of the famous Four Horsemen, when I came and they sure made their mark on the House. He served in both the House for ten years and the Senate

with great distinction and has extensive knowledge of the West Virginia Legislature. His integrity is of the highest order. He will continue to be an outstanding Clerk. Thank you very much.

On motion of Delegate Fast, nominations were closed and the Honorable Stephen J. Harrison of the County of Kanawha, was elected Clerk of the House by acclamation. (Applause, members rising in ovation)

Mr. Harrison then took the oath of office as prescribed for the Clerk, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals.

### **ELECTION OF SERGEANT-AT-ARMS**

The next order of business being the election of Sergeant-at-Arms, nominations were now in order.

Delegate Howell, the Delegate from the 56<sup>th</sup> Delegate District, nominated Anne Lieberman of the County of Kanawha, as follows:

DELEGATE HOWELL. Thank you, Mr. Speaker. Since her election of Sergeant-at-Arms in May of 2018, Anne Lieberman has successfully defended the House Chamber against enemies, foreign and domestic. During her tenure not one Delegate has been harmed. Therefore, Mr. Speaker, I respectfully submit her name in nomination for Sergeant-at-Arms.

The nomination was seconded by Delegate Cooper of the 28<sup>th</sup> Delegate District, with the following remarks:

DELEGATE COOPER. Thank you, Mr. Speaker, and I would echo what Delegate Howell says, none of us has been harmed. I would also say we made history last year when we put her in this position for the last session and I hope we continue to make history to make her one of the longest serving Sergeant-at-Arms and I am proud and thankful to be seconding this nomination for Anne Lieberman to be our next Sergeant-at-Arms. Thank you, Mr. Speaker.



On motion of Delegate Howell, nominations were closed and the Honorable Anne Lieberman of the County of Kanawha, was elected Sergeant-at-Arms by acclamation. (Applause, members rising in ovation)

Ms. Lieberman then took the oath of office as prescribed for the Sergeant-at-Arms, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members arising in ovation.)

### **ELECTION OF DOORKEEPER**

The next order of business being the election of Doorkeeper, nominations were now in order.

Delegate Capito, a Delegate from the 35<sup>th</sup> Delegate District, nominated Robert Stewart of the County of Kanawha, as follows:

DELEGATE CAPITO. Thank you, Mr. Speaker. Ladies and gentlemen of the House and guests, welcome. It's my honor today to nominate for office of the Doorkeeper, Mr. Robert Stewart from the great county, right here in Kanawha.

He has been a Doorkeeper for two sessions and has done a fantastic job and I think for those of us that are returning we have a great appreciation for the service that the men and women that keep these doors, do every day and for those that are newly joining us, I can tell you that you will quickly, quickly appreciate the time and effort and service that they put in here every day with us.

I can think of no better qualification for this position than experience and therefore, Mr. Speaker, it is my honor to nominate Mr. Robert Stewart to be the next Doorkeeper of the West Virginia House of Delegates. Thank you.

The nomination was seconded by Delegate Westfall of the 12<sup>th</sup> Delegate District, with the following remarks:

DELEGATE WESTFALL. Ladies and gentlemen of the House, I am proud to second the nomination for a good and decent man that has the experience to be our next Doorkeeper. It is my belief that Mr. Stewart will do a wonderful job. As such, Mr. Speaker, I second the nomination of Mr. Robert Stewart to be the West Virginia House of Delegates Doorkeeper. Thank you.

On motion of Delegate Capito, nominations were closed and the Honorable Robert Stewart of the County of Kanawha, was elected Doorkeeper by acclamation. (Applause, the members arising in ovation.)

Mr. Stewart then took the oath of office as prescribed for the Doorkeeper, which oath of office was administered by the Honorable Tim Armstead, Justice of the Supreme Court of Appeals. (Applause, the members arising in ovation.)

\* \* \* \* \*

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in the First Regular Session of the Eighty-fourth Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, had organized by the election of Roger Hanshaw, 33<sup>rd</sup> Delegate District, as Speaker; Stephen J. Harrison of the County of Kanawha, as Clerk; Anne Lieberman of the County of Kanawha, as Sergeant-at-Arms; and Robert Stewart of the County of Kanawha, as Doorkeeper, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Hollen, Rowan and Hartman.

On motion of Delegate Summers, the Speaker, was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled

for the First Regular Session of the Eighty-fourth Legislature as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, had organized by the election of officers of the respective houses, and was ready to enter upon the business of the session.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Atkinson, Kessinger and Rowe.

### **Resolutions Introduced**

Delegate Hanshaw (Mr. Speaker), offered a resolution, which was read by the Clerk:

**H. C. R. 1** - "Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor."

WHEREAS, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

*Further Resolved,* That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Whereupon,

In accordance with the provisions of the resolution, the Speaker appointed as members of the committee to wait upon His Excellency, the Governor, the following:

Delegates Storch, Harshbarger and Byrd.

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

### **Messages from the Senate**

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 the Clerk:

**S. C. R. 1** - "Adopting Joint Rules of the Senate and House of Delegates."

*Resolved by the Legislature of West Virginia:*

That the Joint Rules of the Senate and House of Delegates governing the Eighty-fourth Legislature are hereby adopted to govern the proceedings of the Eighty-fourth Legislature, subject to subsequent amendment.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the 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 the Clerk:

**S. C. R. 2** - "Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-fourth Legislature."

*Resolved by the Legislature of West Virginia:*

That for the regular and any extraordinary sessions of the eighty-fourth Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

### **Resolutions Introduced**

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

**H. R. 1** - "Adopting Rules of the House of Delegates."

*Resolved by the House of Delegates:*

That Rules of the House of Delegates for the 84<sup>th</sup> Legislature are hereby adopted and shall govern the proceedings of the Regular

Sessions of the Legislature and any Extraordinary Sessions thereof insofar as applicable, subject to amendment as provided by Rule 133, as follows:

## RULES

### ELECTION AND DUTIES OF OFFICERS

#### Officers and Their Compensation

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant-at-Arms, and Doorkeeper. All officers, except the Speaker, shall receive such compensation as the House may determine.

#### Vote to Be ~~Viva Voce~~ by Roll Call

2. In the election of officers by the House, the vote shall be given ~~viva voce~~ by roll call, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. No question before the House, or in committee of the whole, shall be voted on by ballot. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Required the election of officers be by roll call instead of *viva voce*.

### DUTIES AND RIGHTS OF THE SPEAKER

#### Call to Order

3. The Speaker shall take the chair on each legislative day at the hour to which the House shall have adjourned; call the members to order and, after prayer and the Pledge of Allegiance, if a

quorum is present, proceed to the order of business. (HR21, Reg. Sess., 1985; HR1, Reg. Sess., 2017)

**Effect of the 1985 amendment.** The Pledge of Allegiance was added to the Call to Order.

**Effect of the 2017 amendment.** Deleted the word “precisely” following the words “each legislative day”; and deleted the words “shall immediately” preceding the words “call the members”.

### **Preservation of Order**

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all messages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

### **Decorum in Debate**

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair, except as otherwise provided by these rules or other rules applicable to the proceedings of the House. When two or more members ~~arise~~ seek recognition at the same time, he shall name the one entitled to the floor. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Added the phrase “except as otherwise provided by these rules or other rules applicable to the proceedings of the House” at the end of the first sentence and changed “arise” to “seek recognition” in the last sentence.

## Questions of Order

6. The Speaker shall decide all questions of order subject to an appeal to the House when demanded by any ten members, or, if in committee, ten percent of the members of the committee. He may speak to questions of order from the chair in preference to other members, and may make the concluding speech on any appeal from his decision, notwithstanding, he may have before spoken on the question; but no other members shall speak more than once on such appeal without leave of the House.

When properly requested by a member, the Speaker shall inform the House upon any point of order or practice pertinent to the business before it. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Clarified that ten percent of members in a committee may demand an appeal of the Chair, and clarified that the Speaker may speak to questions of order from the chair.

## Preserving Order in Galleries

7. The Speaker shall have general control of the House Chamber, lobbies, and rooms and of the corridors and passages in that part of the Capitol assigned to the use of the House. In case of any disorderly conduct or disturbance in the corridors, passages or galleries; including but not limited to, signs, audible displays, flash photography or standing in the galleries; he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the House. In all such cases the members present may take such measures to prevent a repetition of such misconduct, either by the infliction of censure or such other penalty, as may be authorized by law, on the parties thus offending, as the House may deem best. (HR1, Reg. Sess., 2017)



**Effect of the 2017 amendment.** Clarified that audible displays, flash photography or standing in the galleries is prohibited.

### **Appointment of Speaker Pro Tempore, Presiding Officer in Absence of Speaker**

8. The Speaker shall appoint a Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker: *Provided*, That the Speaker may designate, by appointment in writing entered upon the Journal of the House, any member, other than the Speaker pro tempore, who, during the absence of the Speaker, shall preside and perform the duties of the Speaker until the Speaker returns to the chair: *Provided, however*, That the Speaker may call any member to the chair to perform the duties of Speaker but such substitution shall not extend beyond an adjournment: *Provided further*, That the Speaker pro tempore or any other member hereunder designated shall so preside for a period not to exceed three consecutive legislative days, but for no longer period, except by special consent of the House. (HR20, Reg. Sess., 1979)

**Effect of the 1979 amendment.** Created a Speaker Pro Tempore to preside and perform the duties of Speaker in the absence of the Speaker.

### **Appointment of House Employees**

9. For the performance of technical, clerical, stenographic, custodial and other services required by the House, at the beginning of each regular session of the Legislature, the Speaker shall appoint such persons to various positions, in such number as deemed necessary to efficiently carry on the work of the House.

At an extraordinary session of the Legislature only such persons designated for regular sessions

as shall be necessary to perform the duties incident to the work of the session shall be appointed for the extraordinary session. Such persons as are appointed shall be selected with due regard to experience and qualifications.

All employees of the House shall report each day to their supervisor. A person designated by the Clerk of the House of Delegates shall keep a record of the attendance of such employees, and no employee shall be paid for days he is not in attendance, Saturdays and Sundays during sessions excepted, unless excused by the Speaker. All employees shall be on duty daily during such hours as shall be designated by their supervisor. The appointing authority shall have power to discharge any employee at any time. The word "employee" as herein used shall include all persons employed by the House.

Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties as may be deemed proper to secure the most efficient and expeditious work.

The employees designated herein shall not include personnel required to staff a drafting office or drafting service authorized and maintained by the House. The Speaker shall make such appointments for this purpose as the House shall authorize.

The compensation of all employees shall be fixed by resolution during each regular session. The Speaker may hire, discharge and adjust salaries of employees subsequent to the adoption of the resolution as allowed by this rule. (HR22, Reg.

Sess., 1963; HR2, Reg. Sess., 1967; HR2, Reg. Sess., 1971; HR1, Reg. Sess., 2017)

**Effect of the 1963 amendment.** The rule was completely rewritten. A limitation was placed upon the number of persons to be employed by the House during sessions of the Legislature, positions designated and duties prescribed.

**Effect of the 1967 amendment.** The amendment substituted the word “employees” for the “attaches” in paragraph (1).

**Effect of the 1971 amendment.** As a result of the 1970 amendment to the Constitution providing for annual 60-day sessions of the Legislature, the rule was rewritten to remove provisions applicable to the former 30-day session. The amendment made changes in the first and second paragraphs of subdivision (3).

**Effect of the 2017 amendment.** Updated the rule to reflect the practices of the House and removed outdated job descriptions.

## **Appointment of Committees and Subcommittees**

10. The Speaker shall appoint all committees, except when the House shall otherwise order. In appointing standing committees he shall designate a chairman and may designate a vice chairman. In the absence of the chairman of a committee having a vice chairman, such vice chairman shall preside, and if there be no vice chairman, the committee shall elect a temporary chairman. When the House authorizes the appointment of a committee, the Speaker may wait until the next legislative day to appoint the same.

The Speaker may also name subcommittees of standing committees, prescribe their jurisdiction and designate the chairmen thereof. Legislative proposals and other business coming within the prescribed jurisdiction of any established subcommittee of a standing committee shall upon being committed to such standing committee be referred by the chairman thereof to the appropriate subcommittee. Reports of subcommittees shall be made to the committee and not to the House. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The last paragraph was added to the rule.

### **Chairman of Committee on Rules**

11. The Speaker shall be *ex officio* a voting member and chairman of the Committee on Rules. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Clarified that the Speaker is a voting member of the Committee on Rules.

### **Acts and Writs Signed by the Speaker**

12. All acts shall be signed by the Speaker; and all writs, warrants and subpoenas issued by the order of the House or any committee having authority to issue same shall be under his hand and attested by the Clerk.

### **Putting Questions**

13. The Speaker shall rise to put a question but may state it sitting.

### **Vote of the Speaker**

14. In all cases of a call of the yeas and nays, the Speaker shall vote, unless excused; in other cases he shall not be required to vote unless the House is equally divided, or unless his vote, if given to the minority, will make the division equal and in case of such equal division the question shall be lost. When the yeas and nays are taken, the Speaker's name shall be called last.

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## **CLERK, SERGEANT-AT-ARMS AND DOORKEEPER**

### **CLERK**

### **Examination of Journal**

15. It shall be the duty of the Clerk to examine the Journal of the House, daily, before it is read and

cause all errors and omissions therein to be corrected. (HR 1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Provided that the Clerk, and not the Speaker, examines the Journal, to bring the rule into conformity with the practices of the House.

### **Charge of Clerical Business of House**

16. The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

### **Duties of Clerk**

17. It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by yeas and nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House, and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and employees, and for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, the engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The word “employees” was substituted for “attaches”.

### **Clerk to Have Custody of All Records**

18. The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

### **Appointment of Assistants**

19. The Clerk may appoint such assistants and other personnel as is authorized by code, resolution or by the Rules of the House, and shall have the power to remove any appointee and appoint another in his stead. (HR22, Reg. Sess., 1963; HR1, Reg. Sess., 2017)

**Effect of the 1963 amendment.** The amendment brought the rule into conformity with Rule 9.

**Effect of the 2017 amendment.** Specified that the Clerk may appoint personnel as authorized by resolution, rule or West Virginia Code.

### **Clerk to Have Charge of All Printing**

20. The Clerk shall have supervision and charge of all printing done for the House and the printer shall print only such documents and other matter as the Clerk authorizes. (HR 1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Removed the word “public” to reflect the establishment of in-house printing.

### **Payment for Printing**

21. Printing of bills and daily journals will be done in the Legislative Print Shop. Bound material and other legislative printing which cannot be done with machines owned or leased by the House of Delegates or the Joint Committee on Government and Finance will be contracted in accordance with Section 34, Article 6 of the Constitution of the State of West Virginia. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Updated the Rule to reflect current printing practices.

### **SERGEANT- AT-ARMS**

#### **Duties**

22. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker. He shall execute the commands of the House from time to time, together with such process, issued by the authority thereof, as shall be directed to him by the Speaker.

Under the direction of the Speaker, he shall superintend the distribution of all documents and papers to be distributed to the members. He shall see that no person, except those authorized to do so, disturbs or interferes with the desks of the members, or with the books, papers, etc., thereat.

He shall have charge under the Speaker for the purpose of maintaining order of the Hall of the House, its lobby, galleries and other rooms in the Capitol assigned for its use, and shall exclude from the floor all persons not entitled to the privilege of the same. He shall attend to seating visitors, and see

that the House Chamber is properly ventilated, heated, and lighted. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Technical amendment to bring the rule into conformity with the practices of the House.

## **DOORKEEPER**

### **Duties**

23. It shall be the duty of the Doorkeeper to attend the House during its sessions, and to announce all messages. He shall have charge of the main door of the Chamber during the sittings of the House, and shall see that the other doors are properly attended; have general charge and oversight of the assistant doorkeepers; detail such assistant doorkeepers for such general or special duties as the Sergeant-at-Arms may deem proper; assist the Sergeant-at-Arms in seeing that the rules relating to admission to the floor are strictly enforced, and shall perform such other duties as the Speaker or the House may order.

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## **RIGHTS AND DUTIES OF MEMBERS**

### **Absence From the House**

24. No member shall absent himself from the service of the House unless he or she have leave, or be sick and unable to attend, but any member who conscientiously believes that his or her absence is necessary to observe the Sabbath or other religious observance shall be excused from attending upon the House on that day. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

**Effect of the 2017 amendment.** Technical amendment to clarify the language.

**Effect of the 2019 amendment.** Changed the language to be gender neutral.



### **Every Member to Vote**

25. Every member present when a question is put, or when his or her name is called, shall vote unless he or she is immediately and particularly interested therein, or the House excuses him or her. A motion to excuse a member from voting must be made before the House divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion may briefly state the reason therefor. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Changed the language to be gender neutral.

### **Members Shall Be in Places When Voting**

26. While the yeas and nays are being taken every member shall be in his or her seat, and during the session of the House no person other than a member shall occupy the chair of a member. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Changed the language to be gender neutral.

### **Quorum**

27. A majority of all the members elected to the House shall be necessary to proceed to business; seven members may adjourn, and ten members may order a call of the House, send for absentees, and make any order for their censure or discharge. On a call of the House, the doors shall not be closed against any member until his name shall have been called twice. [Const., Art. VI, §32]

### **When Less Than Quorum Present**

28. In case a number less than a quorum of the House shall convene, they are hereby

authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the House, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the House. This rule shall apply to the first meeting of the House, at the legal time of meeting, as well as to each day of the session after the hour has arrived to which the House stood adjourned.

### **Taking Members into Custody**

29. No member of the House shall be taken into custody by the Sergeant-at-Arms, on any question of complaint of breach of privilege, until the matter is examined by the Committee on Rules, and reported to the House of Delegates, unless by order of the Speaker of the House of Delegates. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** Committee on Rules was substituted for the Committee on Elections.

### **Punishment of Members**

30. The House of Delegates may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25]

### **Providing for Undisturbed Transaction of Business**

31. The House of Delegates may punish, by imprisonment, any person not a member, for disrespectful behavior in its presence; for

obstructing any of its proceedings, or any of its officers in the discharge of his duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26]

## **ORDER AND DECORUM IN DEBATE**

### **Recognition and Decorum**

32. When a member is about to speak in debate or deliver any matter to the House, he or she shall rise in his or her place and upon being recognized, respectfully address the presiding officer as “MR. SPEAKER” or “MADAM SPEAKER”, as may be appropriate, and proceed, confining himself or herself to the question under debate, avoiding all personalities and indecorous or disrespectful language.

When a member arises and addresses the Chair, the Speaker may recognize him or her by name; but no member in debate shall designate another by name. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

**Effect of the 2017 amendment.** Technical amendment to clarify the language.

**Effect of the 2019 amendment.** Changed the language to be gender neutral.

### **Recognition by the Chair**

33. When two or more members shall rise or request recognition, the Speaker shall name the one who is to speak first, and his decision shall be final and not open to debate or appeal. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the word “or request recognition” and deleted the second sentence which read “However, in all other cases the member who shall rise first and address the Chair shall be first recognized.”

### **Mover of Question to Have Preference in Debate**

34. No question shall be debated until it has been propounded by the Speaker, and then the mover of the question shall have the right to open and close the debate thereon. When the question is the passage of a bill or adoption of a resolution, the Speaker may designate a member to explain the bill or resolution who shall have the right to open and close debate. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the last sentence to the rule, granting the Speaker the authority to designate a member to explain the bill or resolution who shall have the right to open and close debate on final reading.

### **Member Out of Order and Raising Points of Order or Inquiries of the Chair**

35. When any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, by rising, announcing a point of order, and addressing the rule being violated when called upon by the Speaker, call him or her to order; in which case the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member so called to order, he or she is at liberty to proceed; if the decision be against him or her, and the case requires it, he or she shall be liable to the censure of the House, or such other punishment as the House may properly impose.

Any member may at any time make an inquiry of the Chair by rising, announcing his or her inquiry and upon recognition by the Speaker, stating his or

her point. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

**Effect of the 2017 amendment.** Added the procedure for raising points of order or inquiring of the Chair.

**Effect of the 2019 amendment.** Changed the language to be gender neutral.

### **Calling to Order for Words Spoken in Debate**

36. If a member be called to order for words spoken in debate, the person calling him to order shall ~~repeat the words excepted to and they shall be taken down at the Clerk's table~~ ask that the Clerk take down the words immediately spoken in debate by the member called to order. And no member shall be held to answer, or be subjected to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened after the words were spoken and before the exception to them was taken. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Required the Clerk to take down the words spoken in debate instead of being repeated.

### **Decorum During Debate**

37. While the Speaker is putting a question, ascertaining the result, or addressing the House, no one shall walk out of or across the House; and when a member is speaking, no one shall engage in conversation or pass between him and the Speaker.

### **Limitation on Debate**

38. No member shall speak except in his or her place, and no member shall speak until recognized by the Speaker, and may not be recognized to speak more than twice on a question, except by leave of the House: *Provided*, That yielding to answer a

question shall not count toward the limit of speaking twice set forth in this rule. Questions in the form of argument or debate are out of order. If a question be pending at the time of an adjournment and is renewed on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the House. The House by majority vote may limit debate on any question. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Specified that a member that is asked to take to the floor to answer a question does not lose the right to speak twice on a question.

### **Members Not to Be Disturbed While Speaking**

39. No one shall disturb or interrupt a member who is speaking, without his permission, except to call to order if he be transgressing the rules.

### **Speaking Before Negative is Put**

40. (Rescinded by HR1, January 11, 2017.)

**Effect of the 2017 amendment.** The rule was completely abolished.

## **PUTTING QUESTIONS AND VOTING**

### **Putting Questions; Division**

41. All questions on which the yeas and nays are not taken shall be put in this form, to wit: "As many as are in favor (as the question may be) say 'Aye'," and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the Speaker be in doubt as to the result, or if a division is called for by any member, the House shall divide. Those in the affirmative of the question shall first rise from their seats and be counted, and afterwards those in the negative. The count may be made by the Speaker, or, if he so directs, by the Clerk, or two members, one from each side, to be named for that

purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision of the House. Such vote shall not be printed in the Journal unless the yeas and nays are called for by one tenth of the members present. (HR3, 1<sup>st</sup> Ex. Sess., 1968; HR1, Reg. Sess., 2017)

**Effect of the 1968 amendment.** The language of the rule was modified slightly.

**Effect of the 2017 amendment.** Removed the word “distinctly” in the first sentence after the words “shall be put”.

### **Yeas and Nays**

42. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the governor; on the passage of a supplementary appropriation bill; on the passage of bills on third reading; on the passage of a House bill amended by the Senate; on all questions where a specific vote is required by the Constitution, the joint rules of the Senate and House of Delegates, or by these rules; on quorum calls; and on questions when called for by one tenth of the members present.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, and the names of the Delegates voting yea or nay, whichever is the smaller number, and the names of Delegates absent and not voting shall be inserted on the Journal. The names of Delegates

omitted shall constitute the vote on the prevailing side.

On all roll calls, when the voting machine is not used, before the result is announced, the Clerk shall read to the House the names of those who voted in the affirmative or in the negative, whichever is the smaller number, and announce the names of those absent and not voting, at which time any member may correct a mistake committed in taking down his vote. The result shall then be announced, but if the House so orders, the announcement of the result may be postponed to the succeeding day, with liberty to absent members at any time before the result is announced by the Speaker, to appear and vote “Aye” or “No,” in the presence of the House; and any member may, in the presence of the House, change his vote before the result is announced.

When the yeas and nays are called for by a member on any question, the Speaker shall hold this demand in abeyance until debate has closed upon the question under consideration, or until the previous question has been moved and sustained.

Upon calls of the House, in taking the yeas and nays, the names of the members shall be called alphabetically, except the name of the Speaker shall be called last. (HR19, Reg. Sess., 1945; HR3, 1<sup>st</sup> Ex. Sess., 1968; HR2, Reg. Sess., 2003; HR7, Reg. Sess., 2007)

**Effect of the 1945 amendment.** Eliminated requirement for Clerk to read names of persons voting in the affirmative and the negative on roll calls when the voting machine is used, and prescribes when the Speaker shall put demand for yeas and nays.

**Effect of the 1968 amendment.** The amendment rewrote the rule.

**Effect of the 2003 amendment.** Provides for the taking of yeas and nays on the passage of all bills and clarifies that one roll is sufficient to pass a group of bills on third reading, Consent Calendar.



**Effect of the 2007 amendment.** Removed the provision covering on roll call vote to pass third reading Consent Calendar bills and restated that a roll call is to be taken on all bills on third reading.

### **Pairs**

43. Members may pair on any question by filing a signed statement of the same with the Clerk, who shall read the same to the House before the vote is taken. A blank form of pair for use of members shall be provided by the Clerk. No pair shall be recognized unless made in person by the member signing the same, nor unless one or both of the parties thereto are absent.

### **Division of Question**

44. Any member may move for a division of any question other than passage of a bill before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House, but the member moving for the division of a question shall state in what manner he proposes it shall be divided. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert. A bill is not divisible on the floor of the House. If the matter of one bill would be better distributed into two, any part may be struck out by way of amendment and introduced as a new bill in accordance with Rule 92. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added language clarifying that a bill is not divisible on third reading.

### **Calling of Yeas and Nays**

45. No member or any person shall visit or remain by the Clerk's table while the yeas and nays are being called.

### **Tie Vote Loses Question**

46. In all cases when the House is equally divided, the question shall be lost.

### **Verification of Vote**

47. When a question upon which the yeas and nays have been taken has prevailed or failed by not more than five votes, the Speaker may, upon request of five members, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification must be called for immediately after a vote is announced and before any other business has intervened.

### **Explanation of Vote**

48. No member shall be allowed to make any explanation of his vote during the taking of the yeas and nays; but after the roll has been called and the vote announced, any member may explain his vote and the explanation shall be recorded in the Journal if he requests it. The Speaker may limit the time allowed members for explaining votes. A member may indicate in writing to the Clerk how the member voted on a voice vote or, if absent when any vote is taken, indicate in writing to the Clerk how the member would have voted if present and it shall be noted in the Journal. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the last sentence to bring the rule into conformity with the practices of the House.

### **When Members Not to Vote**

49. When a question is put, any member having a direct personal or pecuniary interest therein

should announce this fact and request to be excused from voting. The member with such interest should advise the presiding officer of the facts which constitute the personal and pecuniary interest. If the presiding officer determines based upon the facts provided by the member that the interest is a direct personal or pecuniary interest and affects the member directly and not as a member of a class of five or more similarly situated persons or businesses then the presiding officer shall excuse the member from voting. If the presiding officer determines that the interest is not a direct personal or pecuniary interest or that the member is affected as a member of a class of five or more similarly situated persons or entities then the member shall be directed to vote on the question. (HR23, Reg. Sess., 1977; HR1, Reg. Sess., 2017)

**Effect of the 1977 Amendment:** Provided that disqualifying interest must affect the member directly and not as one of a class.

**Effect of the 2017 amendment.** Requests that members advise the presiding officer of a possible personal or pecuniary interest, and clarifies that a class of five or more is used in determining whether a member is a member of a class.

## **Voting by Machine**

49a. A voting machine may be used in taking the yeas and nays on any question, for quorum calls and for determining the result when a division is demanded. When a vote is to be taken on the voting machine, the Speaker shall announce the question to be voted upon and direct the Clerk to prepare the machine. The Clerk shall then sound the gong which shall be notice to all members to vote. After reasonable time has been given all members to vote the Speaker shall ask the question, "Have all members voted?," vote himself, if the vote being taken is upon a question on which he is required to vote, and then direct the Clerk to close the machine and ascertain the result. As soon as this is done, the

Speaker shall promptly announce the result. No vote may be changed after it has been recorded.

No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be expelled as a member of the House or punished in such other manner as the House may determine. If a person not a member shall vote or attempt to vote for any member, he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (HR1, 1<sup>st</sup> Ex. Sess., 1936; HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Deleted the requirement that the Clerk hand the record of the vote to the Speaker to bring the rule into conformity with the current practice of the House.

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## MOTIONS

### Stating the Question

50. When a motion is made, it shall be stated by the Speaker; or, being in writing, it shall be passed to the desk and read aloud by the Clerk before debate.

### Form of Motion

51. Every motion, except subsidiary or incidental motions, shall be reduced to writing, if

the Speaker or any member desires it; but this exception shall not apply to motions to amend.

### **Withdrawal of Motions**

52. After a motion is stated by the Speaker or read by the Clerk, it is deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case it can only be withdrawn by leave of the House.

### **Order and Precedence of Motions**

53. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
- ~~3.~~ 4. To limit debate.
4. 5. To postpone to a day certain.
- ~~5.~~ 6. To go into a Committee of the Whole on the pending question immediately.
- ~~6.~~ 7. To commit to a Committee of the Whole.
- ~~7.~~ 8. To commit to a Standing Committee.
- ~~8.~~ 9. To commit to a Select Committee.
- ~~9.~~ 10. To amend.
- ~~10.~~ 11. To postpone indefinitely.

These several motions shall have precedence in the order in which they are arranged. A motion to

strike out the enacting clause of a bill shall have precedence of another motion to amend; and if carried, the bill is rejected. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Added number 4, to limit debate, to the order and precedence of motions.

### **Motion to Adjourn**

54. A motion to adjourn shall always be in order, except when the House is voting, or while a member is addressing the House, or when no business has been transacted since the motion to adjourn has been defeated.

### **Motions Not Debatable**

55. The following motions shall be decided without debate and shall not be amended:

1. To adjourn.
2. To fix the time to which the House shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To limit debate.
- ~~5.~~ 6. To suspend the constitutional rule requiring bills to be read on three several days.
- ~~6.~~ 7. To recess. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Added number five, to limit debate, to the list of motions that are not debatable.

### **Motions Not in Order**

56. No motion directing the appropriation or payment of money shall be in order.

### **Effect of Indefinite Postponement**

57. When a question is postponed indefinitely, it shall not be again acted on during the session.

### **Motion to Reconsider**

58. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider. If the House refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table, or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next day of actual sitting of the House. A motion to reconsider shall not be withdrawn without leave of the House.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be

taken out of the possession of the House until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the House, shall be in order, unless subsequently recalled by vote of the House and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the House the original question in the exact position it occupied before it was voted upon. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The amendment rewrote the rule.

### **Debate on Motions to Reconsider**

59. Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no member shall speak more than once nor for a longer period than three minutes.

### **Reconsideration of Question Requiring More than Majority Vote**

60. When a majority of members present vote in the affirmative on any question, but the question be lost because it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision, any member may move for a reconsideration.

### **Effect of Motion to Table**

61. A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and may be taken from the table at any time after the eighth order of business has been passed.



### **Motion Must Be Germane**

62. No motion on a subject different from that under consideration shall be admitted under color of amendment.

### **Previous Questions**

63. When any question is before the House, any member who has not spoken on the question, when properly recognized, may move the previous question. Any demand for the previous question must be sustained by one tenth of the members present. If sustained, the motion for the previous question shall be put by the Speaker, without debate, in the form of "Shall the question on \_\_\_\_\_ now be put? If the motion for the previous question is adopted by a majority vote of members present, that question shall be put to a vote without further debate: *Provided*, That if the question is passage of the bill or adoption of a resolution, the Member recognized by the Speaker pursuant to Rule 34 to explain the bill or resolution shall be provided five minutes to close debate. If the question at issue is an amendment, the Member that is the lead sponsor of the amendment shall be provided three minutes to close debate.

When a member moves the previous question, he shall specifically state in his motion whether it shall apply to the main question and the amendments or to the amendment or amendments only. If the motion applies to the main question and the amendments, separate votes shall be taken on each pending amendment and the main question without further debate, except for the Member having the right to close on the question pursuant to this Rule.

The previous question shall not be admitted in the Committee of the Whole. (HR1, Reg. Sess., 2017; HR5, Reg. Sess., 2017)

**Effect of the 2017 amendments.** Outlined the procedure to be used when moving the previous question. The rule also clarified what procedure is followed when the motion is adopted.

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## MEETING OF THE HOUSE

### Time of Meeting

64. The House shall meet every day, except Sunday, unless it shall be otherwise directed by special order, at the hour to which it shall have adjourned at its last sitting; but if no hour were fixed at such sitting, then at eleven o'clock A.M. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Changed the time from two p.m. to eleven a.m. to reflect the normal meeting time of the House.

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## ORDER OF BUSINESS

### Daily

65. The daily order of business shall be as follows:

- I. To read, correct, and approve the Journal.
- II. Introduction of guests.
- III. To receive and consider reports of standing committees.
- IV. To receive and consider reports of select committees.

- V. To receive and consider messages from the Executive, state officials, and other communications and remonstrances.
- VI. To receive messages from the Senate, and consider amendments proposed by the Senate to bills passed by the House.
- VII. To receive (a) resolutions, (b) petitions, (c) motions.
- VIII. Bills introduced on motion for leave and referred to appropriate committees.
- IX. To act on unfinished business of the preceding day, and resolutions lying over from previous day, but no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
- X. House and Senate Bills on third reading.
- XI. House and Senate Bills on second reading.
- XII. House and Senate Bills on first reading.
- XIII. To act upon leave of absence for members.
- XIV. Remarks by members of the House.  

Item XIV, Remarks by members of the House, shall not be operative after the forty-seventh day of the session.
- XV. Introduction of guests.

~~XV.~~ XVI. Miscellaneous business. (HR10, Reg. Sess., 2001; HR3, Reg. Sess., 2002; HR1, Reg. Sess., 2019)

**Effect of the 2001 amendment.** Item II language is new, and original item II was moved to the end of the order, appearing as XIII

**Effect of the 2002 amendment.** Item XIV language is new, and original item XIV was moved to the end of the order, appearing as XV. Also, after the forty-seventh day of a regular session, there will not be an order of business for remarks of members.

**Effect of the 2019 amendment.** Added another order of business, Item XV, introduction of guests.

### **Recess for Introductions of Guests**

~~65a. Upon the request of any member, the Speaker may, not more than twice daily, order a recess for the purpose of introductions. During such recess~~ The House shall observe two opportunities on each day for any member, upon recognition, ~~may to~~ introduce to the House citizens seated in the galleries. No such introduction shall exceed one minute. Rules of order and decorum shall remain in force during such recess as if the House is in session. (HR33, Reg. Sess., 1978; HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

**Effect of the 1978 amendment.** Provided for the introduction to the House of citizens in the galleries.

**Effect of the 2017 amendment.** Eliminated the language that restricted the recess to no longer than five minutes without leave of the Speaker.

**Effect of the 2019 amendment.** Clarified that the House would only observe two opportunities to introduce guests.

### **Priority of Business**

66. All questions relating to priority of business shall be decided without debate.

## Special Orders

67. Any subject made a special order of business shall be laid before the House by the Speaker, or may be called up by any member, when the time fixed for its consideration arrives. If not called up or acted upon at the time fixed, it shall lose its standing as a special order.

## Reports and Messages Receivable at Any Time

68. Messages from the Governor and Senate, communications and reports from state officers, reports from the Committee on Rules, reports from the Committee on Enrolled Bills, and reports of Conference Committees may be received at any time when the House is not actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall be disposed of as the House may direct. Messages and reports received by the Clerk after *sine die* adjournment, which do not require actions by the House, shall be considered received by the House and filed with the Clerk and shall be recorded in the Journal. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017)

**Effect of the 1967 amendment.** Reports from the Committee on Elections were removed from the rule due to another amendment abolishing the committee and transferring its jurisdiction with respect to questions involving the election and qualification of members to the Committee on Rules.

**Effect of the 2017 amendment.** Added language to the rule regarding the practice which allows messages and reports, which require no further House action, received after adjournment *sine die* to be included in the Journal.

## Consideration of Local Bills

69. (Rescinded by HR1, January 11, 2017)

**Effect of the 2017 amendment.** The rule was completely abolished.

## Special Calendar

70. Unless the House otherwise directs by a majority vote of the members present, beginning on the thirtieth day of each Regular Session and the commencement of any Extraordinary Session, the Committee on Rules shall arrange a special calendar and the consideration of bills on this calendar shall take precedence over the Regular House calendar.

~~Beginning on the thirty first day of each Regular Session and the commencement of any Extraordinary Session, all~~ All bills or resolutions or other matters of business reported from committee, and having no additional committee reference, shall, unless referred to a second committee by the Speaker, automatically be placed by the Clerk on the Special Calendar, and no bill, resolution, or other matter of business shall be removed from the Special Calendar and placed on the regular House Calendar except by a majority vote of the Committee on Rules, a quorum being present. Once removed from the Special Calendar, any resolution, bill or other matter of business may only be again placed on the Special Calendar by a majority vote of the Committee on Rules, a quorum being present.

The Committee on Rules shall cause to be kept a record of all roll call votes on all questions pertaining to preparation of the Special Calendar and removing the same therefrom. This record of votes shall show those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting. These vote records shall be prepared and following the adjournment of each meeting made available to House members and to the public. (HR1, Reg. Sess., 2017; HR1, Reg. Sess., 2019)

**Effect of the 2017 amendment.** Implemented a Special Calendar beginning on the 31st Day of the Regular Session and during any extraordinary session unless the House otherwise directs.

**Effect of the 2019 amendment.** Deleted the words that read “by a majority vote of the members present, beginning on the thirtieth day of each Regular Session and the commencement of any Extraordinary Session” in the first paragraph, and deleted the words “Beginning on the thirty-first day of each Regular Session and the commencement of any Extraordinary Session” in the second paragraph.

## **Consent Calendar**

70a. Rescinded by HR6, January 16, 2007.

**Effect of the 2007 amendment.** The rule was completely abolished.

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## **COMMITTEES**

### **Kinds of Committees**

71. Committees may be of four kinds, namely: Committee of the Whole House, Standing Committees, Select or Special Committees, and Conference Committees.

### **Committee of the Whole**

72. The House may resolve itself into a Committee of the Whole at any time on the motion of any member, and in forming a Committee of the Whole, the Speaker shall leave the chair and a chairman shall be appointed by him to preside over said committee. It shall consider and report on such subjects as may be committed to it by the House. The proceedings in Committee of the Whole shall not be recorded on the Journal except so far as reported to the House by the Chairman of the Committee.

### **Rules of Proceeding in the Committee of the Whole**

73. The rules of proceeding in the House shall be observed, as far as practicable, in Committee of the Whole, except that any member may speak oftener than twice on the same subject, but he shall not speak a second time until every member desiring to speak shall have spoken; nor shall a motion for the previous question nor a motion to lay on the table or to adjourn be made therein. The yeas and nays need not be taken in Committee of the Whole.

### **Consideration of Bills in Committee of the Whole**

74. Upon demand by any member, bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments made shall be noted by the Clerk and reported to the House by the Chairman. After being reported to the House, the bill shall again be subject to amendment before a vote on the report is taken.

### **Motion to Rise Decided Without Debate**

75. A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

### **Standing Committees**

76. At the commencement of each Legislature, the Speaker shall appoint the standing committees established by this rule. The Speaker shall refer bills introduced, resolutions offered, and messages, petitions, memorials and other matters presented to such committee as he shall deem appropriate to consider and report thereon.



Standing committees are hereby created as follows:

1. Committee on Agriculture and Natural Resources
2. Committee on Banking and Insurance
3. Committee on Education
4. Committee on Energy
5. Committee on Finance
6. Committee on Fire Departments and Emergency Medical Services
7. Committee on Government Organization
8. Committee on Health and Human Resources
9. Committee on Industry and Labor
10. Committee on Interstate Cooperation
11. Committee on the Judiciary
12. Committee on Pensions and Retirement
13. Committee on Political Subdivisions
14. Committee on Prevention and Treatment of Substance Abuse
- ~~15. Committee on Roads and Transportation~~
- ~~16-~~15. Committee on Rules

17. 16. Committee on Senior ~~Citizen~~ Issues  
; Children, and Family Issues

18. 17. Committee on Small Business,  
Entrepreneurship and Economic  
Development

18. Committee on Technology and  
Infrastructure

19. Committee on Veterans' Affairs and  
Homeland Security

(HR13, Reg. Sess., 1945; HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess. 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019)

**Effect of the 1945 amendment.** Established a Standing Committee on Veterans' Affairs.

**Effect of the 1947 amendment.** Reduced number of standing committees from 29 to 24; changed the membership of committees from not less than seven nor more than twenty-five to not less than eleven nor more than twenty-five; and changed the number of members of the Committee on Rules from seven to not less than five nor more than nine.

**Effect of the 1967 amendment.** The principal change was the reduction of the number of standing committees from 24 to 13. Some provisions of the old rule were embodied in amendments to other rules made at this time.

**Effect of the 1977 amendment.** Established a Standing Committee on Government Organization.

**Effect of the 1981 amendment.** Removed Committee on State and Federal Affairs from Standing Committees.

**Effect of the 1986 amendment.** Changed Committee on Health and Welfare to Health and Human Resources.

**Effect of the 1996 amendment.** Established the Committee on Veterans' Affairs. (HR 4, Reg. Sess., 1996)

**Effect of the 2001 amendment.** Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

**Effect of the 2003 amendment.** Renamed the Committee on Veterans' Affairs the Committee on Veterans' Affairs and Homeland Security.

**Effect of the 2005 amendment.** Added the Committee on Pensions and Retirement as a standing committee of the House.

**Effect of the 2009 amendment.** This amendment separated the Committee on Agriculture and Natural Resources into two separate committees. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues as a Standing Committee of the House.

**Effect of the 2014 amendment.** Combined the Committee on Agriculture and the Committee on Natural Resources into one committee; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees.

**Effect of the 2017 amendment.** Established a Standing Committee on Prevention and Treatment of Substance Abuse.

**Effect of the 2018 amendment.** Added the Committee on Fire Departments and Emergency Medical Services.

**Effect of the 2019 amendment.** Changed the name of Roads and Transportation to Technology and Infrastructure, and changed the name of Senior Citizen Issues to Senior, Children, and Family Issues.

## **Jurisdiction of Committees**

77. In general and without limitation, standing committees shall have functions and jurisdiction of subjects and other matters as follows:

1. *Committee on Agriculture and Natural Resources:* (a) Agriculture generally, including agricultural production and marketing, animal industry and animal health, adulteration of seeds, commercial feeding stuffs and commercial fertilizer, processed foods, insect pests and

pesticides, soil conservation, milk and milk products, meats and meat products, agricultural extension service, etymology and plant quarantine, poultry and poultry products, and human nutrition and home economics; (b) natural resources in general, including game and fish, forest and wildlife areas, parks and recreation, water resources and reclamation.

2. *Committee on Banking and Insurance:* (a) Banks and banking, and financial institutions generally; (b) control and regulation of all types of insurance, including organization, qualification and licensing of insurers; and (c) securities and exchanges.

3. *Committee on Education:* (a) Education generally; (b) boards of education, and administration and control of schools; (c) textbooks and school curricula; (d) vocational education and rehabilitation; (e) qualifications, employment and tenure of teachers; (f) libraries; and (g) public schools and institutions of higher education.

4. *Committee on Energy:* (a) Mining and extraction of coal and other fossil fuels; (b) extraction and distribution of natural gas; (c) energy production employment, safety, local land use and community impacts; and (d) alternative energy development and efficiency measures.

5. *Committee on Finance:* (a) Tax and revenue measures increasing or decreasing the revenue or fiscal liability of the State; (b) collection of taxes and other revenue; (c) annual Budget Bills and supplementary appropriation bills; (d) proposals reducing public expenditures; (e) proposals relating to the principal and interest of the public debt; and (f) claims against the State.

6. *Committee on Fire Departments and Emergency Medical Services:* (a) Fire departments; (b) emergency medical technicians; and (c) other emergency responders.

7. *Committee on Government Organization:* (a) Legislation and proposals dealing with the Executive Department of state government with respect to creation, duties and functions; consolidation and abolition; and transfer, imposition and elimination of functions and duties of departments, commissions, boards, offices and agencies; and (b) measures relating to the Legislative Department, other than apportionment of representation and redistricting for the election of members of the two houses.

8. *Committee on Health and Human Resources:* (a) Public health and public welfare generally; (b) mental health; (c) public and private hospitals and similar institutions; (d) prevention and control of communicable and infectious diseases; (e) pure food and drugs; (f) poison and narcotics; (g) correctional and penal institutions; and (h) public assistance and relief.

9. *Committee on Industry and Labor:* (a) Employment and establishment of industry; (b) labor standards; (c) labor statistics; (d) mediation and arbitration of labor disputes; (e) wages and hours of labor; (f) child labor; (g) safety and welfare of employees; (h) industry and labor generally; and (i) infrastructure.

10. *Committee on Interstate Cooperation:* Constitute the House members of the West Virginia Commission on Interstate Cooperation as provided by Article 1B, Chapter 29 of the Code.

11. *Committee on the Judiciary*: (a) Judicial proceedings, civil and criminal generally; (b) state and local courts and their officers; (c) crimes and their punishment; (d) corporations; (e) collection and enforcement of property taxes; (f) forfeited, delinquent, waste and unappropriated lands; (g) real property and estates therein; (h) domestic relations and family law; (i) revision and codification of the statutes of the State; (j) election laws; (k) proposals to amend the Constitution of the United States or the Constitution of the State; (l) legislation relating to constitutional conventions; and (m) other matters of a nature not deemed properly referable to any other standing committee.

12. *Committee on Pensions and Retirement*: (a) Continuing study and investigation of retirement benefit plans of the State and political subdivisions thereof; (b) making recommendations with particular attention to financing of the various pension funds and financing of accrued liabilities; (c) considering all aspects of pension planning and operation; and (d) analyzing each item of proposed pension and retirement legislation with particular reference as to cost, actuarial soundness and adherence to sound pension policy.

13. *Committee on Political Subdivisions*: (a) Counties, districts and municipalities generally; (b) division of the State into senatorial districts and apportionment of delegate representation in the House; and (c) division of the State into districts for the election of representatives to Congress.

14. *Committee on Prevention and Treatment of Substance Abuse*: Issues relating to and regarding the prevention and treatment of substance abuse.

~~15. *Committee on Roads and Transportation:* (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; and (e) regulation of motor carriers of passengers and property for hire.~~

16. 15. *Committee on Rules:* (a) Rules, joint rules, order of business and parliamentary rules in general; (b) recesses and final adjournments of the House and the Legislature; (c) payment of money out of the contingent or other fund of the House or creating a charge upon the same; (d) employees of and services to the House, and purchase of furniture, supplies and office equipment; (e) election and qualification of members of the House and state officers, privileges of members and officers of the House, and witnesses attending the House or any committee thereof; (f) punishment of members of the House for disorderly conduct; and punishment of any person not a member for contempt, disrespectful behavior in the presence of the House, obstructing its proceedings, and for any assault, threat or abuse of a member of the House; (g) House printing; (h) House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, purchase of books and manuscripts for the House, erection of monuments to the memory of individuals (i) sale of food and administration and assignment of office space in the House wing of the Capitol; and (j) Resolutions referred to the Committee on Rules pursuant to Rule 110.

17. 16. *Committee on Senior Citizen Issues Senior, Children, and Family Issues:* Proposal, revision and recodification of statutory provisions

relating to all senior citizen issues and issues related to the welfare of children and families.

~~18.~~ 17. Committee on Small Business, Entrepreneurship and Economic Development: (a) small business; (b) entrepreneurship; (c) e-commerce; (d) e-government; (e) economic development; (f) job creation; and (g) commerce generally.

18. Committee on Technology and Infrastructure: (a) Highways, public roads, railways, canals and waterways, aeronautics, aircraft and airways; (b) motor vehicle administration and registration; (c) licensing of motor vehicle operators and chauffeurs; (d) traffic regulation and laws of the road; (e) regulation of motor carriers of passengers and property for hire; (f) deployment, expansion, regulation and other matters related to public utility services and the internet; and (g) all matters related to the use and expansion of technology in or by the state.

19. *Committee on Veterans' Affairs and Homeland Security:* (a) Veterans' measures; (b) education of veterans; (c) cemeteries of the State in which veterans of any war or conflict are or may be buried; (d) measures generally affecting the health and welfare of veterans; (e) measures relating to detection, protection against, response to, and recovery from, terrorist attacks, internal or external; and (f) military affairs. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1967; HR4, Reg. Sess., 1977; HR6, Reg. Sess., 1981; HR24, Reg. Sess., 1986; HR2, Reg. Sess., 2001; HR2, Reg. Sess., 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2009; HR4, Reg. Sess., 2014; HR1, Reg. Sess., 2015; HR1, Reg. Sess., 2017; HR3, Reg. Sess., 2018; HR1, Reg. Sess., 2019)



**Effect of the 1947 amendment.** This rule originally prescribed the duties of the Committee on Elections and Privileges. The 1947 amendment changed the name to Committee on Elections.

**Effect of the 1967 amendment.** This amendment abolished the Committee on Elections and transferred its functions to the Committee on Rules and revised the rule to include jurisdiction of all standing committees.

**Effect of the 1977 amendment.** Created the Committee on Government Organization and prescribed its duties.

**Effect of the 1981 amendment.** Removed Committee on State and Federal Affairs from Standing Committees.

**Effect of the 1986 amendment.** Changed Committee on Health and Welfare to the Committee on Health and Human Resources.

**Effect of the 1996 amendment.** Created the Committee on Veterans' Affairs.

**Effect of the 2001 amendment.** Expanded the duties and changed the Committee on Industry and Labor to the Committee on Industry and Labor, Economic Development and Small Business.

**Effect of the 2003 amendment.** Changed the name of the Committee on Veterans' Affairs to the Committee on Veterans' Affairs and Homeland Security and sets forth its duties and jurisdiction.

**Effect of the 2005 amendment.** Added the Committee on Pensions and Retirement and set forth its duties and jurisdiction.

**Effect of the 2009 amendment.** This amendment separated the Committee on Agriculture and Natural Resources into two separate committees and set forth their duties. It also expanded the duties and changed the name of the Committee on Industry and Labor, Economic Development and Small Business to the Committee on Energy, Industry and Labor, Economic Development and Small Business. Additionally, it added the Committee on Senior Citizen Issues and prescribed its duties.

**Effect of the 2014 amendment.** Combined the Committee on Agriculture and the Committee on Natural Resources into one committee and set forth its duties; removed the Committee on Constitutional Revision from the Standing Committees; and separated the Committee on Energy, Industry and Labor, Economic Development and Small Business into two separate committees and set forth their duties.

**Effect of the 2015 amendment.** Revised language regarding the jurisdiction of the Committee on Rules and the Committee on Veterans' Affairs and Homeland Security.

**Effect of the 2017 amendment.** Added the Committee on Prevention and Treatment of Substance Abuse and set forth its duties and jurisdiction.

**Effect of the 2018 amendment.** Added the Committee on Fire Departments and Emergency Medical Services and set forth its duties and jurisdiction.

**Effect of the 2019 amendment.** Changed the name of Roads and Transportation to Technology and Infrastructure, and changed the name of Senior Citizen Issues to Senior, Children, and Family Issues, and set forth their duties and jurisdiction.

## Composition of Committees

78. The Committee on Rules shall consist of not less than fifteen nor more than twenty-five members, which number shall include the Speaker, Majority Leader and Minority Leader; the Committee on Interstate Cooperation of seven members; the Committee on Fire Departments and Emergency Medical Services of eleven members and all other standing committees shall consist of not less than fifteen nor more than twenty-five members, except that the number of members of the Committee on Pensions and Retirement shall be appointed in accordance with Joint Rule 29 or in such number as may be determined by the Speaker. (HR4, Reg. Sess., 1947; HR2, Reg. Sess., 1957; HR22, Reg. Sess., 1963; HR2, Reg. Sess., 1967; HR6, Reg. Sess., 1997; HR2, Reg. Sess., 2001; HR2, Reg. Sess. 2003; HR2, Reg. Sess., 2005; HR1, Reg. Sess., 2011; HR1, Reg. Sess., 2015; HR3, Reg. Sess., 2018)

**Effect of the 1947 amendment.** The rule was completely rewritten and the jurisdiction of the committee expanded and delineated.

**Effect of the 1957 amendment.** At this time the number of members of the Committee on Rules was contained in Rule 76 at not less than five nor more than nine. The amendment changed the number to not less than seven nor more than twelve, and included the Speaker, majority leader and minority leader within the committee membership.

**Effect of the 1963 amendment.** The rule was rewritten expanding and detailing the duties and jurisdiction of the Committee on Rules. Among new duties given the committee were prescribing qualifications and recommending persons to fill positions under Rule 9.

**Effect of the 1967 amendment.** The amendment rewrote the rule fixing membership of all standing committees.

**Effect of the 1997 amendment.** The amendment increased the maximum number of members of the Committee on Rules by two.

**Effect of the 2001 amendment.** The amendment decreased the maximum number of members of the Committee on Rules by two.

**Effect of the 2003 amendment.** Increased the maximum number of members of the Committee on Rules by four.

**Effect of the 2005 amendment.** Increased the membership of the Committee on Rules and specified that the Speaker may set the number of members on the Committee on Pensions and Retirement.

**Effect of the 2011 amendment.** The amendment increased the maximum number of members of the Committee on Rules from eighteen to twenty.

**Effect of the 2015 amendment.** The amendment increased the maximum number of members of the Committee on Rules to twenty-five.

**Effect of the 2018 amendment.** The amendment added the Committee on Fire Departments and Emergency Medical Services and set the number of members to eleven.

## **Duties of Committees**

79. The several standing committees shall not only consider matters specifically referred to them, but whenever deemed practicable suggest such legislation as will provide upon general principles for all similar cases. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** This rule, originally dealing with the duties of the Committee on Finance, was rewritten and made applicable to standing committees generally.

## **Bill Not to Be Divided among Committees, Speaker May Direct Second Reference**

80. A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees, but must be referred to one committee as an entirety.

When the Speaker is of the opinion that a bill should be considered by more than one committee, at the time of referring it, or at the time the bill is reported from a committee to which it has been referred, he may direct that when the committee to which it is referred completes its consideration thereof and makes a recommendation with respect thereto, the committee's report shall also recommend that it be referred to the additional committee or committees as directed by the Speaker. When a bill is so reported, it shall automatically be referred as directed, unless by unanimous consent the House shall dispense with such second reference. (HR2, Reg. Sess., 1967; HR1, Reg. Sess., 2017)

**Effect of the 1967 amendment.** This rule, originally applicable to the Committee on Claims only, was rewritten.

**Effect of the 2017 amendment.** Added language to the rule that allows the Speaker to refer a bill at the time the bill is reported from a committee to which it had been referred.

## Reports of Committees

81. The several standing committees shall have leave to report by bill or otherwise. All committees shall submit their reports to the House in writing, and the same shall be printed in the Journal. Reports of committees shall be advisory only. Committee chairmen shall see that the originals of all bills, resolutions, and such other documents as are referred to them are returned to the House, with the report upon the matter to which they pertain. (HR4, Reg. Sess., 1947)

**Effect of the 1947 amendment.** Originally, this rule dealt with functions of the Standing Committee on Executive Offices and Library, which was rescinded by the amendment and successive rules renumbered.

## Discharging Committee from Consideration of Bill

82. When a bill or resolution has been in the hands of a committee five legislative days after having been referred to it, the committee may be discharged from further consideration of the bill or resolution by a majority vote of all the members

present. The chairman of a committee may move that his committee be discharged from consideration of the matter at any time after commitment. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Deleted language at the end of the rule that read “and after the fiftieth day of the session any member may move to discharge a committee from consideration of any bill or resolution at any time after the same has been referred to it”.

### **Committee Meetings**

83. Meetings of all committees shall be upon a call of the chairman, but no committee shall sit during a session of the House without leave of the House. It shall be the duty of the chairman of a committee to announce, or have announced, from the floor of the House, or by the Speaker or Clerk, during the session of the House, the time and place of the next meeting of the committee, and at such time, if practicable, announce the bills, resolutions or other business to be considered at such meeting. In case of failure of the chairman of any committee to call a meeting of such committee upon the request of a member, then fifty percent or more of the members of such committee shall have a right to call a meeting of such committee.

Notwithstanding any other rule to the contrary, on motions to report a bill or a resolution to the House, to table a bill or a resolution or to postpone consideration of a bill or a resolution indefinitely, the clerk of the committee shall make a record of the vote and following adjournment of the meeting make available to the public a list showing those voting in the affirmative or those voting in the negative, whichever shall be the smaller number, and those absent and not voting.

All meetings of standing committees shall be open, except a standing committee may, by a majority vote of the members present, hold an

executive session for the specific purposes of: (1) Conducting committee discussion of legislative personnel; (2) conducting committee discussion of state government personnel; (3) consideration of and action on charges against a member of the House; or (4) where such meetings involve compiling information, investigating accusations or taking testimony which, if publicly disclosed, might unjustly injure or unfairly reflect on the reputation of innocent persons: *Provided*, That the Committee on Rules, while holding an executive session for the specific purposes of (1), (2), (3) and (4) above, shall by roll call vote record any definitive action and shall make such vote record available to the public.

In no other instances shall a vote be taken while a standing committee is holding an executive session. (HR27, Reg. Sess., 1965; HR5, Reg. Sess., 1970; HR5, Reg. Sess., 1971; HR11, Reg. Sess., 1975; HR7, Reg. Sess., 1976)

**Effect of the 1965 amendment.** A provision was added at the end of the rule providing that no one not a member except the Clerk should be present in a committee when a vote was taken.

**Effect of the 1970 amendment.** The provision of the rule prohibiting anyone other than the clerk of a committee to be present when a vote was taken was changed to provide that all committee meetings except executive sessions should be open to the public.

**Effect of the 1971 amendment.** The last paragraph of the rule was added by the amendment.

**Effect of the 1975 amendment.** Inserted word "resolution" in the first two paragraphs following the word "bills", and added the last paragraph as shown in the text above.

**Effect of the 1976 amendment.** Deleted paragraph providing for executive session to set special daily calendar.

## Committee Hearings

84. Subject to the provisions hereof, a public hearing shall be held upon the timely written request of any member or citizen on any bill that is placed upon a committee agenda. A request for a public hearing shall be considered timely if the request is made prior to the bill being explained in the committee in which the request is made.

If the request for a public hearing is made in writing before the committee agenda has been published, the Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure.

If the request for a public hearing is made after the committee agenda has been published, either: (1) The Chair of the Committee shall remove such measure from the agenda and schedule the public hearing prior to considering the measure; (2) for any measure referred to an additional committee, the Chair of the Committee in which the request was made may proceed to consider the measure, in which case the public hearing shall be held by the additional committee to which the measure is referred, if such measure is placed on the agenda of such additional committee, prior to the additional committee's consideration of the measure; or (3) if the measure is not referred to an additional committee, the Chair may proceed to consider the measure and hold the public hearing prior to the measure being considered for passage.

For purpose of this Rule 84, publication of notice of public hearing shall be deemed to have been effective when the public hearing has been announced on the floor of the House. The subject, time and location of any public hearing shall also be placed on the legislative website. No public hearing shall be scheduled sooner than the second

calendar day following announcement of the hearing on the floor of the House.

The Chair of the Committee may limit the time of proponents and opponents at such hearing. The hearing may be conducted by the entire committee or a subcommittee thereof, as the committee shall direct.

When a bill is referred to more than one committee, no more than one hearing shall be required when properly and timely requested under the provisions of this rule: *Provided*, That a public hearing request made after the 43<sup>rd</sup> day on House bills or after the 53<sup>rd</sup> day on Senate bills shall not be in order unless such bill is originated in committee, in which case the request for a public hearing shall be granted and the public hearing shall be scheduled in accordance with this Rule: *Provided further*, That after the 43<sup>rd</sup> day, in order to conduct the business of the House in a timely and efficient manner, the House may, by a vote of a majority of the members present, provide for a hearing to be held sooner than the second calendar day following announcement of the hearing on the floor of the House and may limit the number and length of public hearings, if there are public hearing requests pending for more than five bills in any committee. (HR 27, Reg. Sess., 1965; HR2, Reg. Sess., 1971; HR6, Reg. Sess., 2002; HR44, Reg. Sess., 2012; HR1, Reg. Sess., 2017)

**Effect of the 1965 amendment.** The amendment provided for committee hearings to be held either by the full committee or a subcommittee and directed that all hearing should be open to the public.

**Effect of the 1971 amendment.** The amendment rewrote the first paragraph and added the second paragraph.

**Effect of the 2002 amendment.** Clarifies when public hearings shall be held and eliminates the necessity of holding duplicate hearings.



**Effect of the 2012 amendment.** The amendment completely rewrote the rule, setting forth details for requests for and the holding of, public hearings.

**Effect of the 2017 amendment.** Revised and clarified guidelines for the committee hearing process and timelines of when public hearings are to be held.

## **Witnesses Before Committees**

84a. Every committee of the House shall administer oaths to any person, except current members or employees of the West Virginia Legislature, appearing before the committee at any meeting, with the exception of a public hearing or during the deliberations of any committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the House and upon motion duly made by any member of the House, the House may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena the witness may be questioned by the chairman and any member of the committee. The Clerk of the House, the chairman of the committee and, in the absence of the chairman, the committee clerk or any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness. (HR1, Reg. Sess., 2017; HR 5, Reg. Sess., 2017)

**Effect of the 2017 amendments.** Required every witness, except current members or employees of the West Virginia Legislature, appearing before a committee to be administered an oath.

## **Committee Clerks**

85. The Speaker shall assign to the various committees such clerks and other clerical and stenographic help as may be necessary to properly

carry on the work of the committees. Committee clerks shall keep such records and perform such duties as the chairmen of the respective committees may direct.

### **Committee Records**

86. The chairman of each committee shall keep, or cause to be kept, a record in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of such committee.

(b) The attendance of committee members at each meeting.

(c) The names and addresses of all persons appearing before the committee, with the name of person, persons, firm or corporation, and addresses, in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon, when a yea and nay vote is taken.

Such a record shall be read and approved at the next regular meeting of the committee. The committee records shall be open to inspection of the public at proper times and places and at the close of the session shall be filed with the Clerk of the House.

### **Committee Quorum; Subcommittees**

87. A majority of any committee shall constitute a quorum for the transaction of business. A subcommittee, which shall report to the regular committee, may be appointed to consider and report to the committee on any matter referred to it.

### **Minority Views**

88. The minority of any committee may present its recommendations in writing with the report of the committee, and the same shall be printed in the Journal, and said recommendation may, by a vote of the House, be substituted for and become the report of the committee. If the minority or any committee presents its recommendations after the report of the committee has already been received, it shall still be printed in the Journal. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Added the last sentence to the rule.

### **House Rules to Govern Committee**

89. The rules governing the proceedings of the House shall apply to the proceedings of the committee, insofar as the same are applicable.

### **Select or Special Committees**

90. Select or special committees may be provided for on motion or resolution, designating the number and object, and, unless otherwise ordered, shall be appointed by the Speaker.

### **Conference Committees and Reports**

91. All reports of conference committees shall be presented after having been signed by a majority of the conferees of each house and be printed in the Journal. No matter shall be considered by said committee, or reported upon by it, except that in disagreement between the two houses.

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**BILLS, RESOLUTIONS AND PETITIONS****BILLS AND JOINT RESOLUTIONS****Time Limit on Introducing**

91a. No House joint resolution and no House bill, other than a House supplementary appropriation bill or a House bill originating in a House standing or select committee, shall be introduced in the House after the thirty-fifth day of a regular session unless permission to introduce the joint resolution or bill be given by a House resolution, setting out the title to the joint resolution or bill and adopted by a two-thirds vote of the House members present. The thirty-fifth day of the regular session held in the year two thousand nine and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. When permission is requested to introduce a joint resolution or bill under provisions of this rule, duplicate copies of the joint resolution or bill shall accompany the resolution or bill when introduced. (HR22, Reg. Sess., 1981; HR17, Reg. Sess., 1994; HR11, Reg. Sess., 1995; HR3, Reg. Sess., 2008; HR1, Reg. Sess., 2015; HR 1, Reg. Sess., 2017).

**Effect of the 1981 amendment.** The rule was rewritten in order to provide for introduction of House bills after the fiftieth day by a simple House resolution rather than a concurrent resolution. The rule also provides that bills may originate in committee after the fiftieth day.

**Effect of the 1994 amendment.** The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the fiftieth.

**Effect of the 1995 amendment.** The rule was changed to set the last day for bill introduction at the forty-fifth day of the session, instead of the forty-first.

**Effect of the 2008 amendment.** The rule was changed to set the last day for bill introduction at the forty-first day of the session, instead of the forty-fifth.

**Effect of the 2015 amendment.** The rule was changed to set the last day for bill introduction at the forty-second day of the session, instead of the forty-first.

**Effect of the 2017 amendment.** The rule was changed to set the last day for bill introduction at the thirty-fifth day of the session, instead of the forty-second. Also changed the required number of copies to two for joint resolutions and bills to reflect the practices of the House.

## **Method of Introducing**

92. Bills for introduction in the House on the opening day of any session of the Legislature may be filed with the Clerk not later than the day preceding the opening of such session. During sessions bills to be introduced shall be filed with the Clerk not later than 12:00 o'clock meridian on the legislative day next preceding their introduction. Before formal introduction, the Clerk shall number such bills as are presented and edit and correct them as to form. When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills by title in the same manner as if it were introduced from the floor. This rule shall not deny a member the right to introduce a bill from the floor in case of urgency. (HR26, Reg. Sess., 1963; HR3, 1st Ex. Sess., 1968; HR3, Reg. Sess., 1972)

**Effect of the 1963 amendment.** The "fiscal note" rule was added.

**Effect of the 1968 amendment.** The amendment changed the time for filing bills for introduction from 4:00 P.M. to 12:00 Noon.

**Effect of the 1972 amendment.** The amendment rewrote the rule, the principal change being to remove the "fiscal note" provisions from this rule and place them in a new rule, 95a.

## **Bill Carryover**

92a. Any bill or joint resolution pending in the House at the time of *sine die* adjournment of the First Regular Session of a Legislature, or extended First Regular Session thereof, which has not been rejected, laid on the table or postponed indefinitely

by the House, shall carry over in its original form to the Second Regular Session only at the request of the sponsor of the bill or resolution, such request to be made to the Clerk of the House not later than thirty days prior to the commencement of the session.

After receiving notice from the first-named sponsor of his or her intent to carry over the bill, the Clerk of the House shall notify all cosponsors that the bill will be carried over. All cosponsors shall have ten days after the date of notice to notify the Clerk of the House that their names should be removed from the bill to be carried over.

Any such bill or joint resolution shall retain its original number and shall be deemed to be reintroduced on the first day of the Second Regular Session and shall, except as otherwise directed by the Speaker, be treated as referred to the committee or committees to which it was originally referred.

In the case of any House bill or joint resolution which has been passed or adopted by the House, such bill or resolution shall likewise be deemed to be reintroduced and referred, except as otherwise directed by the Speaker, to the committee or committees to which it was originally referred.

This rule shall not apply to any bill or joint resolution solely sponsored by a former member, to supplemental appropriation or budget bills, to bills which promulgate legislative rules, to bills which expire or continue state agencies pursuant to the West Virginia Sunset Law, to bills of a local nature, or to any bill or joint resolution introduced during any extraordinary session. (HR 2, Reg. Sess., 1988; HR 12, Reg. Sess., 1996; HR1, Reg. Sess., 2017)

**Effect of the 1988 amendment.** Allowed House bills or joint resolutions pending at the time of *sine die* adjournment of the 1st Regular Session to carryover to the 2nd Regular Session.

**Effect of the 1996 amendment.** Allowed bill or joint resolution to be carried over at the request of the first-named sponsor. Allows cosponsors to have ten days after date of notice to notify Clerk to have their name removed.

**Effect of the 2017 amendment.** Changed the rule to require that the sponsor must request that a bill or joint resolution be carried over, and that such request must be made thirty days prior to session instead of ten.

### **Bills to Be Presented in Duplicate**

93. All bills for introduction shall be presented in duplicate, bearing the name of the first-named sponsor and the name or names of all sponsors by whom they are to be introduced. The original copy shall constitute the official bill for use of committees and for the permanent files of the House, and one copy shall be for the Clerk's office files. (HR3, 1st Ex. Sess., 1968; HR12, Reg. Sess., 1996; HR29, Reg. Sess., 2011)

**Effect of the 1968 amendment.** The amendment rewrote the rule, the principal change being to require a bill for introduction to be presented in quadruplicate instead of triplicate.

**Effect of the 1996 amendment.** Provides for placing the name of the first-named sponsor and the name or names of all cosponsors on all bills to be introduced.

**Effect of the 2011 amendment.** The principal change was to require a bill for introduction to be presented in duplicate instead of quadruplicate.

### **Joint Sponsors of Bill**

94. A bill may be introduced bearing the names of not more than eleven members as joint sponsors of the bill. (HR40, Reg. Sess., 1937; HR18, Reg. Sess., 1992; HR15, Reg. Sess., 2005)

**Note:** This rule was originally adopted as Rule 94a. In 1992, the number was increased to seven and in 2005, it was raised to eleven.

## **Introduction of Bills by Request**

94a. A bill may be introduced by request. All bills introduced by request shall bear the words “by request,” following the designation of the name or names of the bill sponsor or sponsors. (HR13, Reg. Sess., 1988)

**Effect of the 1988 amendment.** Allowed for the introduction of bills by request.

## **Removal or Addition of Name as Sponsor of a Bill or Resolution**

94b. Any Delegate whose name appears as a cosponsor of a bill or resolution may have his or her name removed as a sponsor of the bill or resolution by submitting a written request to the House Clerk not later than the day the bill or resolution is reported from its final committee: *Provided*, That the removal shall only be permitted if the member is not the last remaining sponsor of the bill or resolution.

Any Delegate wishing to be added as a cosponsor of a bill or resolution shall be added by the Clerk if written request is made to the Clerk not later than the day the bill or resolution is reported from its final committee if the lead sponsor of the bill or resolution agrees in writing to the addition and if the bill has less than the maximum number of sponsors allowed by these rules.

Nothing herein requires reprinting by the Clerk of paper copies of the bill to reflect the addition or removal of sponsors. Any such changes shall appear in electronic form only until reprinting of the bill is required by these rules. (HR8, Reg. Sess., 2015)



**Effect of the 2015 amendment.** This rule was created to change the process for adding or removing a member as a sponsor of a bill or resolution.

### **Reference to Committees**

95. Bills introduced by any member, on motion for leave, or by any standing committee, shall be read by their titles and referred to the appropriate committee without printing, and all such bills shall be treated in committee as resolutions of inquiry. If the committee report a bill different from one so introduced, either by amendment or substitution, such bill shall be received and treated in the House as the original bill, and the committee report and Journal of the House shall show that the bill was either amended or substituted in committee: *Provided*, That in no instance shall a House or Senate bill be referred to the Committee on Rules. (HR2, Reg. Sess., 1975)

**Effect of the 1975 amendment.** No bill shall be referred to the Committee on Rules.

### **Fiscal Notes**

95a. Prior to consideration, by the House or by any committee thereof, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, which “fiscal note” shall conform to the requirements as to form and content prescribed by the “Fiscal Note Manual,” prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the House of Delegates.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of

the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

A legislator introducing a bill requiring an increase in the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State should have attached thereto the legislator's specific plan, idea, method or manner for generating the revenue needed or required by the proposed bill.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

Rule 95a, as amended herein, shall not take effect until January 15, 1989.

No Act shall be void or voidable for noncompliance with this rule. (HR7, Reg. Sess., 1979; HR14, Reg. Sess., 1988)

**Note:** A fiscal note rule was adopted in 1963 as a part of Rule 92, but was suspended from session to session until it went into effect at the 1969 Regular Session.

**Effect of the 1979 amendment.** Effective January 15, 1980, fiscal notes are required of all political subdivisions. The amendment also allowed a bill to be considered, if in the opinion of the chairman of a

committee or the Speaker a reasonable time has elapsed since a fiscal note was requested.

**Effect of the 1988 amendment.** Provides for legislator introducing bill to attach plan, method or manner for generating necessary revenue.

### **Correctional System Fiscal Impact Note**

95b. Prior to consideration, by the House or by any committee thereof, of any bill which proposes to create new criminal conduct punishable by incarceration, or either increases or decreases any criminal penalty involving a term of incarceration, the Division of Corrections, in conjunction with any applicable State agency, shall provide a correctional system fiscal impact note outlining the projected fiscal impact on the State's correctional system of the legislative proposal. The note shall include projected increases or decreases in persons incarcerated, the fiscal impact the proposal likely will have on existing availability of correctional facilities and facility space; whether the proposal will likely decrease or increase inmate populations and, in the case of increased inmate populations, whether additional costs will necessarily be incurred for expanded and increased correctional or jail facilities, equipment and personnel and, if so, the projected cost therefor.

In the case of a bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State, nothing herein shall prohibit consideration of such a bill if, in the opinion of the chairman of the committee to which the bill has been referred, or in the opinion of the Speaker, a reasonable time has elapsed since a fiscal note was requested and no fiscal note or an incomplete fiscal note has been furnished.

No act shall be void or voidable for noncompliance with this rule. Rule 95b, as herein set forth, shall take effect January 1, 2007. (Com. Sub. for HR31, Reg. Sess., 2005)

**Effect of the 2005 amendment.** Added the last three paragraphs to the rule.

### **Economic Impact Statement**

95c. Upon the introduction of any legislation which has a potential impact on the state's economy, the Speaker may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including but not limited to any state college or university, West Virginia University, or Marshall University, a review of the proposed legislation for purposes of preparing an Economic Impact Statement. The Economic Impact Statement may address the probable effect of any proposed legislation on the economy of the State of West Virginia including, but not limited to, the effect of the legislation on employment, job creation or reduction, and compensation. The statement shall include the names of those persons who participated in the drafting of the statement, including the time spent preparing the statement. The institution shall also make available a lead author of the statement or other qualified representative of the institution to discuss the statement with any committee of the House in which the legislation was referred. The Speaker may also request from any institution that produced a statement, a follow-up study two and five years following enactment of the legislation to analyze the economic impacts of the legislation. It shall be the responsibility of the Speaker to obtain any requested Economic Impact Statement, which shall be based on generally accepted methodology. The Rules Committee may, but is not required to,

make by resolution recommendations as to the form and additional contents of the Economic Impact Statement.

The phrase “Economic Impact Statement” or the initials “ES” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. The failure to comply with any provision of this Rule shall not prohibit the consideration or passage of any proposed legislation. (HR1, Reg. Sess., 2015)

**Effect of the 2015 amendment.** Created rule relating to Economic Impact Statement.

### **What Bills to Contain**

96. Bills proposing laws or changes in laws shall consist of a title, beginning with the words “A BILL to” and contain a brief statement of the object of the proposed measure, and if it amends or changes a law, a reference to the law proposed to be changed. The bill proper shall begin with the enacting clause, Be it enacted by the Legislature of West Virginia,” and state at large the measure proposed. [Const., Art. VI, §30.]

### **Bill Not to Embrace More Than One Object**

97. No bill shall embrace more than one object, and that shall be stated in the title, and no law shall be revived or amended by reference to its title only; but the law revived, or the section amended, shall be inserted at large in the new act. [Const., Art. VI, §30.]

### **Reporting Bills from Committee**

98. When a bill is reported from committee with the recommendation that it do pass, it shall be placed on the calendar for the succeeding day and

come up on first reading unless the House by action otherwise directs. If on the calendar when referred, it shall be replaced on the reading from which it was taken.

If a bill be reported favorably with amendments, the report and Journal shall so show, and when the bill reaches second reading the committee amendments shall be acted upon before other amendments are offered, except amendments to the committee amendments.

If a committee to which a bill has been referred reports that the same ought not to pass, the Speaker shall immediately propound the question, "Shall the bill be rejected?" If this question is decided in the negative, the bill shall be disposed of in the same manner as if reported favorably.

### **Printing of Bills**

99. (HR2, Reg. Sess., 1967; Rescinded by HR1, January 11, 2017.)

**Effect of the 1967 amendment.** The amendment changes the stage at which bills are to be printed from when advanced to second reading to when reported from committee.

**Effect of the 2017 amendment.** The rule was completely abolished and Rule 104 rewritten to reflect current technology and practices.

### **Recommitment of Bills**

100. A bill may be recommitted at any time before it passes. Should such recommitment take place after its engrossment, and an amendment be reported, the bill shall be placed on second reading when reported back.

### **Reading Bills**

101. Before any bill is read by the Clerk, he shall state to the House whether it is on first, second or third reading.

### **Bills to Have Three Readings**

102. No bill shall become a law until it has been fully and distinctly read on three different days, unless in case of urgency, by a vote of four fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with. Upon any bill there may be a motion to dispense with the constitutional rule, in order that the bill may be read twice or three times on the same day, and upon the first or second reading of any bill there may be a motion to dispense with the constitutional rule in order that the bill may, upon such reading, be read by its title: *Provided*, That in all cases there shall be three readings on each bill, and that an engrossed bill shall be fully and distinctly read. [Const., Art. VI, §29]

### **Bills - First Reading**

103. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially directs. On the first reading of a bill, it may at any stage of the reading be rejected on motion.

### **Bills - Printing and Availability to Members**

104. Electronic versions of all bills shall be made available promptly on the Chamber Automation System once introduced and printed version of all bills will be made available when requested from the Legislative Print Shop. (HR31, Reg. Sess., 1971; HR4, Reg. Sess., 2002; HR7, Reg. Sess., 2005; HR 1, Reg. Sess., 2017)

**Effect of the 1971 amendment.** The amendment rewrote the rule. The last paragraph was added.

**Effect of the 2002 amendment.** The last paragraph was added as a result of the installation of the Chamber Automation System.

**Effect of the 2005 amendment.** Provides that the House may consider bills, resolutions and other documents in case of failure of the Chamber Automation System or failure of the Clerk to provide reproduced copies of the measures to be considered.

**Effect of the 2017 amendment.** Updated the rule to reflect current printing practices.

## **Amending and Engrossing Bills**

105. On the second reading of a bill on the demand of any two members, it shall be read section by section for amendment, and when the amendments as may be moved are disposed of, the question, unless the House otherwise order, shall be, if a House bill, "Shall the bill be engrossed and ordered to the third reading?" If a House bill shall be ordered to its engrossment and third reading, and amendments have been made thereto, the type from which the bill was originally printed shall be changed to conform with the amendments. The bill shall then be reprinted and shall be the engrossed bill, and shall be designated as such. If no amendments are made the bill as originally printed may be ordered to its third reading and shall become the engrossed bill, and shall be designated as such. All House bills ordered to their engrossment and third reading shall be jacketed and engrossed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a House bill is passed by the Senate and returned to the House without amendment, or if amended and the amendment or amendments be agreed to, it shall then be turned over to the Joint Committee on Enrolled Bills. In the case of a Senate bill on second reading, if the same be amended by the House and passed as amended, the amendment or amendments shall be noted in full on slips of paper in typewriting and attached to the bill at the proper place by the Clerk before the bill is



returned to the Senate, and all the amendments shall also appear in the House Journal.

### **Time Bills to Go into Effect**

106. In the passage of a bill by the House, a motion may be made that it take effect from its passage, or at some time other than ninety days after its passage; and if said motion be adopted by a vote of two thirds of all the members elected to the House, taken by yeas and nays, the Clerk shall communicate that fact to the Senate along with the bill. [Const., Art. VI, §30]

### **Senate Bills**

107. Senate bills passed by the Senate and reported to the House shall be referred to the appropriate committee unless the House otherwise directs. After this they shall be treated in the same manner as House bills.

## **RESOLUTIONS**

### **Resolutions**

108. Resolutions shall be of three classes, as follows:

(1) *Joint Resolutions:* All proposed amendments to the State Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be read on three several days, and, to be adopted, must on its third reading be agreed to by a two-thirds vote of the members elected to the House. When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any

collateral or incidental questions thereto short of the final question.

(2) *Concurrent Resolutions*: Concurrent resolutions shall be used for the purpose of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

(3) *House Resolutions*: These simple resolutions shall be used for expressing the will or order of the House on matters in which the concurrence of the Senate is not necessary. A House resolution shall be proper to express the sentiments of the body, to authorize expenditures from its contingent fund, for agreeing upon any question, and for all incidental purposes pertaining to the organization and work of the House. (HR2, Reg. Sess., 1967)

**Effect of the 1967 amendment.** The amendment inserted the word "State" preceding the word "Constitution" in line one of subdivision (1).

**Note:** Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution. Such resolutions do not have to be submitted to the Governor for his approval.

### **Policy of the House as to Concurrent and House Resolutions; Defining Purpose and Scope of Such Resolutions**

108a. It is hereby declared to be the policy of the House of Delegates that concurrent and House resolutions be limited to the general purposes set forth in subdivisions (2) and (3) of Rule 108 and

shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Such resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Any concurrent or House resolution shall be submitted to the Clerk for determination of compliance with this rule. (HR3, Reg. Sess., 1974; HR1, Reg. Sess., 2015)

**Effect of the 1974 amendment.** This section was added by HR 3, Reg. Sess., 1974. Resolutions shall not embrace congratulatory expressions to individuals, organization, etc., having no relation to the Legislature. All resolutions must have preintroduction review by the Committee on Rules.

**Effect of the 2015 amendment.** Required concurrent or House resolutions to be submitted to the Clerk instead of the Committee on Rules for determination of compliance with this rule.

## **Introduction of Resolutions**

109. All resolutions to be introduced in the House shall be filed with the Clerk not later than two hours prior to the convening of the session at which they are to be introduced. They shall be presented in duplicate and copies shall be for the same purpose as that of bills. When the proper order of business is reached, the Clerk shall proceed in the same manner as if they were

introduced from the floor. This rule does not deny a member the right to introduce a resolution from the floor in case of urgency. The different classes of resolutions shall be numbered by the Clerk and entered in full in the Journal. (HR3, 1st Ex. Sess., 1968; HR1, Reg. Sess., 2017)

**Effect of the 1968 amendment.** The word "triplicate" was changed to "quadruplicate."

**Effect of the 2017 amendment.** The word "quadruplicate" was changed to "duplicate."

### **Action on Resolutions**

110. Upon introduction, all resolutions shall be read by their titles, referred to the appropriate committee, and be inserted in full in the Journal. Resolutions other than joint resolutions, proposing amendments to the State Constitution, reported from committee shall lie over one day and come up under the ninth order of business the following legislative day.

Joint resolutions proposing amendments to the State Constitution shall be treated as bills and proceedings thereon shall be in accordance with section two, article fourteen of the State Constitution.

Resolutions adopted by the Senate and reported to the House shall be subject to the same rule as that governing resolutions introduced in the House.

## **PETITIONS**

### **Petitions**

111. All petitions, remonstrances, memorials and other papers addressed to the House shall be filed by the member with the Clerk prior to the convening of the House. When in the regular order

of business the time is reached for presenting petitions or any such papers, the Clerk shall read a list of those on file, giving the member's name presenting same and a brief summary of the contents thereof, and the same shall be referred to the committee of the member's selection unless otherwise ordered by the House. Each member, upon filing any such petition, remonstrance or other paper, shall endorse thereon his name, and if not so endorsed it shall not be received. The Journal shall show the name of the member presenting such papers, a brief resume of the contents thereof, and the disposition made of same. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** Technical cleanup.

## AMENDMENTS

### Forms For

112. Amendments are to be submitted to the Clerk in writing and a duplicate copy is to be filed electronically for viewing in the Chamber Automation System. (HR1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** The rule was rewritten to reflect current technology.

### Must Be Germane

113. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

### Time for Offering

114. Amendments may be offered to any bill or joint resolution and acted upon on their second reading and before they are ordered to their

engrossment and third reading. No bill shall be amended on third reading, except by unanimous consent of the members present. Amendments to resolutions other than joint resolutions shall be in order at any time the same are being considered. Committee amendments shall be subject to amendment and shall be disposed of before any other amendments are in order.

### **Reading and Stating**

115. Amendments shall be read by the Clerk and stated by the Speaker before being acted upon.

### **By Striking Out Enacting Clause**

116. A motion to amend by striking out the enacting clause of a bill shall have precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

### **Amendment to an Amendment**

117. A motion to amend a pending amendment may be received, but until it is disposed of no other motion to amend will be in order. But pending such amendment, a motion to amend in the nature of a substitute, and a motion to amend that substitute, may be received, but shall not be voted upon until the original matter is perfected.

### **Amendment to Have Precedence Over Substitute**

118. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

### **Motion to Amend to Have Precedence Over One to Strike Out**

119. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

### **Filling Blanks**

120. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

### **No Amendment by Way of Rider**

121. No amendment by way of rider shall be received to any bill after engrossment.

### **Agreeing to Senate Amendments**

122. When a House bill or House joint resolution shall be amended by the Senate, the question on agreeing to the bill or resolution as amended shall be again voted on by yeas and nays, and the result entered on the Journal, and in such a case the affirmative vote of a majority of the members elected to the House shall be necessary. [Const., Art. VI, §31]

### **Amendment by Section**

123. If a bill is being considered section by section, only amendments to the section under consideration shall be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that an amendment seeking to strike out matter previously inserted and containing substantially no new proposition shall not be in order.

### **Amending Titles**

124. After the passage of a bill or joint resolution, amendments to its title may be offered when the title is read for approval.

### **Amendments to Senate Bills**

125. Any Senate bill or resolution may be amended in the same manner as a House bill or resolution. If a Senate bill or resolution is amended, the same shall be noted by the Clerk on the jacket containing same before it is reported to the Senate.

After the reading of a Senate amendment to a House bill or resolution, the question shall be, "Will the House concur in the Senate Amendment?" But it shall be in order to move that the House concur in the Senate amendment with an amendment; or that the House refuse to concur and ask the Senate to recede.

If the Senate shall refuse to concur in a House amendment to a Senate bill or resolution, the following motions shall be in order and shall be privileged in the order named: First, That the House recede; Second, That the House insist and ask for a committee of conference; Third, That the House adhere.

### **Amendments to Be Printed in Journal**

126. All amendments proposed, unless withdrawn, shall be printed in the Journal.

### **Speaking on Amendments**

127. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.



## JOURNAL

### **Clerk to Keep**

128. The Clerk of the House, under the direction of the Speaker, shall keep a full and correct Journal of the proceedings.

### **Approval and Correction**

129. When the Journal has been read to the end that any mistake made in the entry may be corrected, if no objection is made, it shall stand approved; but if objection be made, the first question of the House shall be to dispose of the same, and when such objections are disposed of and the Journal corrected, as the House may order, it shall stand as approved.

### **Printing Official Copies**

130. After the printed Journal has been approved and fully marked for correction, the type from which it was printed shall be changed in accordance therewith. From the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal, which shall be properly indexed. In addition thereto six copies shall be printed on 6x9 heavy weight bond paper, with a certificate at the end thereof, certifying that the same is the Official Journal of the House and the same shall be signed by the Speaker and Clerk. Such printed Journal shall be the official record of the House. They shall be bound in flexible binding, and bear the imprint on the back, "Official Journal of the House of Delegates of West Virginia," with designation of regular or special session, as the case may be, and the year. After being signed by the proper officers, two of these copies shall be retained in the office of

the Clerk, and one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Department of Archives and History, and one with the Clerk of the Senate.

### **Journal to Be Printed Daily**

131. It shall be the duty of the Clerk to furnish a copy of each day's proceedings of the Journal to the Legislative Print Shop. An electronic version of the Journal is to be posted on the Chamber Automation System and printed copies are to be available on request prior to the start of the next session. (HR 1, Reg. Sess., 2017)

**Effect of the 2017 amendment.** The rule was revised to reflect current technology and practice.

### **Form and Content of Journal**

132. The Journal shall be kept and published in minute form so as to show a running account of all proceedings and actions taken. Every written motion, unless it be withdrawn on the same day submitted and before action has been taken thereon, and such other material and matters required by these rules and the joint rules of the Senate and House shall be printed in the Journal. No remarks of members, speeches, newspaper editorials and articles, or other material shall be printed in the daily Journal, except explanations of votes as provided by these rules and such portions of remarks as may be necessary for the record in instances where a member may be called to order for words spoken in debate.

The Clerk shall keep and publish an Appendix to the bound and official Journals of each session of the House. There shall be included in the Appendix all remarks of members and other material ordered printed by the House.

An address or remarks by a member made on the floor of the House may be printed in the Appendix with the consent of the House on the request of the member making such address or remarks or by request of another member, if the member making such address or remarks consents to said request. (HR2, Reg. Sess., 1961; HR10, Reg. Sess., 2000)

**Effect of the 1961 amendment.** The rule was expanded extensively in delineating the form and content of the Journal, providing for an Appendix to the Journal and the printing therein of remarks of members and other material.

**Effect of the 2000 amendment.** Permits a member to request remarks of another to be printed in the Appendix with the consent of the member making the remarks.

### **Inserting Remarks in Journal**

132a. (HCR 15, Regular Session 1959; rescinded by HR 2, Regular Session 1961.)

**Note:** A typographical error in the Journal shows the repealed rule as 122a instead of 132a.

## **CHANGE OR SUSPENSION OF RULES**

### **Rescinding or Amending Rules**

133. All propositions to amend or rescind any standing rule or order of the House shall be by resolution and be at once referred, without debate, to the Committee on Rules, and shall be reported therefrom within five legislative days thereafter. Any such resolution may be adopted by a majority vote, a quorum being present. (HR4, Reg. Sess., 1974)

**Effect of the 1974 amendment.** The rule was rewritten with the principal change being that a standing rule or order after being referred to the Committee on Rules shall be reported therefrom within five legislative days.

**Note:** The power to make its rules of procedure is given the House under Sec. 24, Art. 6 of the Constitution.

## **Suspension of Rules**

134. These rules shall not be suspended, except by a vote of at least two thirds of the members present. Unless there be a unanimous consent for the suspension of rules, the vote shall be determined by yeas and nays.

**Note:** The motion to suspend the rules is usually preceded by a member requesting unanimous consent of the House to do a particular thing. If no one objects, the House is deemed to assent, and what is desired is allowed accordingly. If objection is made, then the member may move that the rules be suspended for the specific purpose or object he has in view. A motion to lay on the table may not be applied to a motion to suspend the rules. (Hind's Precedents, Sec. 5405.)

## **Manual and Rules**

135. On any question of order or parliamentary practice where the rules of the House or the joint rules of the House and Senate are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practices of the House of Representatives of the United States Congress shall be considered as authority.

**Note:** Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the United States Senate in the years he was Vice President, from 1797 to 1801. The House of Representatives, in 1837, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. (House Manual and Digest), 70th Congress, 1st Sess., Sec. 278.

## **Miscellaneous Rules**

### **Persons Admitted to the Floor – Members' Gallery**

136. No person except members of the Congress of the United States, members of the State Senate, former members of the West Virginia Legislature, the Clerk of the Senate, duly accredited representatives of the press, radio and television, and legislative employees engaged in

the proper discharge of their duties shall be admitted within the House Chamber while the House is in session. No introductions shall be made while the House is in session. At the convening of the House, the Sergeant at Arms shall see that all persons not entitled to the privilege of the floor under this rule retire from the Chamber.

The west or center balcony of the House Chamber shall be designated “Members’ Gallery” and reserved for guests of members of the House, and admission thereto shall be by pass in such form as may be approved by the Committee on Rules and signed by member issuing the same to a guest. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1967)

**Effect of the 1961 amendment.** The rule was completely rewritten. Various persons who were formerly admitted to the House Chamber while the House was in session were eliminated from the rule, including ex-Governors, judges, former officers of the House and Senate, members of other state Legislatures, heads of state departments, elective state officers, the Governor’s secretary; prohibited introductions while the House is in session; and designated the west gallery as the “Members’ Gallery” and provided manner for admission of guests thereto.

**Effect of the 1967 amendment.** The word “employees” was substituted for “attaches.”

## **Smoking and Use of Tobacco Products Prohibited**

136a. Smoking and the use of tobacco products are prohibited in the House chamber and House galleries during sessions and in House committee rooms during committee meetings or public hearings. (HR19, Reg. Sess., 1990; HR6, Reg. Sess., 2000)

**Effect of the 1990 amendment.** Prohibited use of tobacco in House chamber and galleries during sessions and in committee rooms during meetings or public hearings.

**Effect of 2000 amendment.** Prohibited smoking in the vestibule of the House Chamber.

### **Attire of Persons Admitted to Floor**

136b. No member of the House or any person who has privileges of the floor, except pages, individuals authorized to be present for special ceremonies, television camera operators, media photographers, sound technicians and maintenance personnel, shall be admitted to the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie and dress pants by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females. Jeans or shorts shall not constitute proper attire (HR1, Reg. Sess., 2017).

**Effect of the 2017 amendment.** Specifies that jeans or shorts do not constitute proper attire.

### **Lobbying in the House Chamber**

137. No person engaged in lobbying, including persons entitled to the privilege of the floor under Rule 136 when engaged in lobbying activities, shall be permitted upon the floor of the House or in the foyer thereto at any time during a session of the Legislature. If any person not a member while within the Chamber when the House is in session attempts in any manner whatsoever to influence the vote or opinion of any member upon any subject of legislative consideration, he shall be removed from the Chamber and be debarred therefrom during the remainder of the session. Any employee who shall, at any time, engage in such activity shall be subject to immediate dismissal. (HR2, Reg. Sess., 1961; HR2, Reg. Sess., 1963; HR2, Reg. Sess., 1967)

**Effect of the 1961 amendment.** The rule was rewritten. The last sentence relative to dismissal of House employees for engaging in lobbying was a new provision.

**Effect of the 1963 amendment.** This amendment made the rule applicable to persons entitled to the floor under Rule 136 such as former members.

**Effect of the 1967 amendment.** The word “employee” was substituted for the word “attache.”

## **Registration of Lobbyist**

137a. Rescinded by H. R. 19, February 6, 1978.

**Effect of the 1978 amendment.** The rule was rescinded and a joint rule was added to cover both houses.

**Note:** Joint Rule 28 was created by SCR1, Reg. Sess., 1978, and later rescinded by SCR2, 2<sup>nd</sup> Ex. Sess., 1990. Lobbyist currently register with the West Virginia Ethics Commission.)

## **Use of electronic communication devices prohibited**

137a. Unless authorized by the speaker, no person may use a cell phone to make or receive a call on the House floor during a session. A cell phone or other electronic device may be used in the vestibule of the House Chamber or other locations designated by the Speaker. Members are prohibited from communicating by any means with any person not on the House floor, other than other members of the Legislature or legislative staff, regarding the passage or defeat of any pending legislative matter, while such matter is being debated or considered for passage. (HR6, Reg. Sess., 2005; HR1, Reg. Sess., 2017)

**Effect of the 2005 amendment.** The rule was added to prohibit the use of cell phones or other electronic communications devices on the floor during a session of the House.

**Effect of the 2017 amendment.** Updated the rule by making technical changes regarding electronic devices.

## **News Correspondents and Reporters**

138. (a) Any person accorded the privilege of the press gallery or press table must be a news correspondent or reporter for a newspaper, a radio

or television station, or of a recognized press association, who is not engaged in any department of state government, or in any other business; and no more than one representative of each shall be admitted to the press table or press gallery at one time.

(b) All applications for admission to the press gallery or press table must be made to the Speaker. Such applications shall state the name and location of the newspaper, news association, radio or television station, and be signed by the applicant. The Speaker may request the news representatives to establish a committee on accreditation of applicants, and he shall consider recommendations made by such committee.

(c) The Speaker shall verify statements made in such application, and if the application is approved by him, he shall issue a correspondent's card, signed by him.

(d) The correspondents shall not visit the members in their seats during the session of the House, and shall abide by such rules and regulations as may be adopted by the Rules Committee of the House.

(e) The card issued by the Speaker must be presented when required by any Sergeant at Arms. It shall not be transferable. The transfer or loan of such card to anyone shall be followed by its cancellation and the withdrawal of all its privileges from the correspondent so offending.

(f) The gallery or press tables allotted to news correspondents shall be for their exclusive use, and persons not holding correspondents' cards shall not be entitled to admission thereto.



### **Lounging Prohibited in the Hall of the House**

139. It shall be the duty of the Sergeant at Arms to prevent all persons not connected with the Legislature from assembling in the halls at any time when the House is not in session for the purpose of lounging or loafing. For the purpose of enforcing this rule, the Sergeant at Arms or his assistants shall be in attendance at all times, and the persistent neglect or disregard of this rule shall be cause for dismissal by the Speaker, or removal.

### **Peddling Prohibited**

140. No person shall be permitted to hawk, peddle or offer for sale any article of traffic at any time within the hall of the House; and it shall be the duty of the Sergeant-at-Arms to strictly enforce this rule.

### **Regulating Use of Halls**

141. The Speaker shall have power to regulate the use of the halls and stairways of the part of the Capitol building used by the House for refreshments and like purposes when the Legislature is in session.

### **Oaths**

142. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

### **Janitors**

143. The janitors appointed for or assigned to the House shall, under direction of the Speaker, have care of the House Chamber, committee rooms and halls of the House and keep the same in a neat and proper condition at all times.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw, Mr. Speaker, offered a resolution, which was read by the Clerk:

**H. R. 2** - "Authorizing the publication of a Legislative Manual and authorizing payment of travel and other expenses of the House."

*Resolved by the House of Delegates:*

I. That the Clerk of the House of Delegates is hereby authorized to compile and have printed a Legislative Manual containing the rules of the Senate and of the House of Delegates and such matter and material as he may deem to be useful and convenient to the members of the Legislature. The Clerk of the House of Delegates shall cooperate with the Clerk of the Senate in compiling said manual and include therein such material with reference to the Senate as said Clerk of the Senate may prepare so as to obviate the necessity of the Senate publishing a manual.

II. That in accordance with article two-a, chapter four of the code, the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor for travel expenses of members of the House of Delegates for such number of miles traveled as shall be certified to him by the various members, for payment of per diem and mileage of elected officers and such members of the House as authorized by the Speaker, and for other authorized expenses during the 84<sup>th</sup> Legislature.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegate Hanshaw, Mr. Speaker, offered a resolution, which was read by the Clerk:

**H. R. 3** - “Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates.”

*Resolved by the House of Delegates:*

That under authority of section thirteen, article one, chapter four of the Code of West Virginia, the Clerk of the House of Delegates is hereby authorized to have printed not to exceed 150 copies of the Acts of the 2019 regular session of the Legislature, bound in buckram, and to include therein the Acts of any extraordinary session which may not have been printed.

The Clerk of the House shall provide copies of said Acts for distribution as provided by section six, article eight, chapter fifty-one of the code insofar as such distribution is practicable.

The Clerk of the House of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of Delegates for the first regular session of the 84<sup>th</sup> Legislature and to include therein the unpublished Journals of any extraordinary sessions. In addition, there shall be printed twelve official copies of any Journal published, properly bound and designated. A copy of the Journal and five copies of said Acts shall be furnished to each member of the Legislature, upon request of each such member. The Clerk shall retain sufficient copies of the buckram bound Acts to supply legislative offices and the remaining copies shall be retained by the Clerk, for sale by his department.

Copies of the Acts of the Legislature or Journals of the House of Delegates may be provided in electronic format if requested or if demand exceeds the number of available printed volumes.

For the work required in indexing, printing and distributing said Acts and in the publication of said Journal of the House of Delegates and for completing other work of the session, the Speaker is hereby authorized to appoint such persons as he may deem necessary to perform technical, clerical, stenographic, custodial and other services required by the House of Delegates.

The Speaker shall certify a list of persons entitled to compensation under authority of this resolution to the Clerk of the House of Delegates, and the Clerk shall draw his requisition in

favor of such persons at per diems or at monthly salaries, which shall be paid from the Per Diem of Officers and Employees Fund or the Contingent Fund of the House of Delegates.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 3) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Mr. Speaker, Mr. Hanshaw, offered a resolution, which was read by the Clerk:

**H. R. 4** - "Authorizing the appointment of employees for this, the First Regular Session of the Eighty-fourth Legislature, two thousand nineteen."

*Resolved by the House of Delegates:*

That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint employees to perform technical, clerical, stenographic, custodial and other services for this session of the Legislature to receive the per diems and salaries as herein provided, as follows:

(1) For per diem employees, the following rates:

Five Legislative Assistants at \$80.00 - \$95.00

Three Committee Clerks at \$90.00 - \$150.00

Four Committee Assistant Clerks at \$75.00 - \$110.00

Eight Analysts at \$80.00 - \$110.00

Seven Attorneys at \$200.00 - \$399.00

One Doorkeeper at \$155.00

Seven Assistant Doorkeepers at \$85.00

One Sergeant-at-Arms at \$155.00

One Head Page at \$110.00

One Assistant Page at \$80.00

Three Clerk Assistants at \$85.00 - \$160.00

One Messenger at \$110.00

One Policy Analyst to the Committee on Education at \$243.00

Three Receptionists at \$85.00 - \$110.00

(2) For salaried full-time employees, the following employees at the following rates, in addition to and exclusive of any experience increment or pay in lieu of an experience increment as may be payable under Section 2, Article 5, Chapter 5 of the Code of West Virginia of 1931, as amended:

One Chief Clerk at ninety-one thousand one hundred and sixty dollars per year;

One Assistant Clerk/Parliamentarian at sixty-two thousand one hundred and sixty dollars per year;

One Bill Status Clerk at forty-five thousand one hundred and sixty-four dollars per year;

One Journal Clerk at forty-five thousand one hundred and sixty-four dollars per year;

One Documents Clerk at forty-five thousand one hundred and sixty-four dollars per year;

One Administrative Assistant to the Clerk's Office at forty-five thousand one hundred and sixty-four dollars per year;

One Purchasing Agent at forty-three thousand nine hundred and one dollars per year;

One Mail Clerk at thirty-two thousand nine hundred and ninety dollars per year;

One Communications Director to the House at sixty-five thousand six hundred and sixty dollars per year;

One Chief of Staff at sixty-five thousand dollars per year;

One Policy Analyst to the Majority Whip Office at forty-five thousand dollars per year;

One Counsel to the Speaker at one hundred and seventeen thousand one hundred dollars per year;

One Assistant to the Speaker at eighty-two thousand one hundred and sixty dollars per year;

One Director of Supplies at forty-four thousand six hundred and sixty dollars per year;

One Maintenance Staff at thirty-nine thousand seventy-three dollars per year;

One Maintenance Staff at twenty-seven thousand two hundred and sixty-eight dollars per year;

One Maintenance Staff at twenty-six thousand one hundred and ninety-five dollars per year;

One Chief Counsel to the Committee on the Judiciary at ninety-five thousand dollars per year;

One Counsel to the Committee on the Judiciary at ninety thousand dollars per year;

One Legislative Analyst to the Committee on the Judiciary at fifty-two thousand dollars per year;

One Administrative Assistant to the Committee on the Judiciary at forty-one thousand dollars per year;

One Chief Counsel to the Committee on Education at eighty-three thousand one hundred and sixty dollars per year;

One Legislative Assistant to the Committee on Education at forty-three thousand eight hundred and twenty-three dollars per year;

One Chief Counsel to the Committee on Finance at one hundred and five thousand and sixty dollars per year;

Two Budget Analysts to the Committee on Finance at fifty-three thousand dollars per year;

One Research Analyst to the Committee on Finance at fifty thousand dollars per year;

One Administrative Assistant to the Finance Committee at forty-seven thousand one hundred and sixty dollars per year;

One Chief Counsel to the Committee on Government Organization at seventy-eight thousand one hundred and sixty dollars per year;

One Administrative Assistant to the Committee on Government Organization at thirty-eight thousand six hundred and fifty-six dollars per year;

One Legislative Analyst to the Committee on Government Organization at forty-three thousand and nine hundred and sixty dollars per year;

One Chief Counsel to the Committee on Health and Human Resources at eighty-five thousand dollars per year;

One Administrative Assistant to the Committee on Health and Human Resources at thirty-nine thousand and two hundred and sixty dollars per year;

One Analyst to the Minor Committees at forty-one thousand one hundred and sixty dollars per year;

One Chief Counsel to the Energy Committee at eighty-one thousand dollars per year;

One Clerk to the Energy Committee at forty-one thousand five hundred and eighty dollars per year;

One Policy Analyst to the Minority Leader at forty-eight thousand one hundred and seventy-two dollars and eight cents per year;

One Office Manager to the Minority Office at forty thousand one hundred and sixty dollars per year;

The Speaker is authorized to appoint or assign additional or present employees and to determine the rate of compensation therefor as he may deem necessary to expedite the work of the House of Delegates; and, be it

*Further Resolved*, That, in accordance with Chapter 4, Article 2A of the code, the Clerk of the House is hereby authorized to draw his requisitions upon the Auditor for travel expenses and compensation of members of the House of Delegates; and, be it

*Further Resolved*, That all appointments made under authority of the foregoing provisions of this resolution shall be certified to the Auditor and Treasurer by the Clerk of the House, and the Clerk of the House of Delegates is hereby authorized to draw his requisitions upon the Auditor in favor of the persons so appointed and the Auditor shall honor and pay such requisitions when presented and charge same to the "per diem of officers and employees" fund or "contingent" fund of the House of Delegates. The Clerk shall draw his requisitions in favor of employees for consecutive days or months from the date of their employment at the per diem or salary herein set out until such time as their services shall cease. The Speaker may remove any employee and appoint another in his or her place, and he shall require each of said employees to perform such duties as shall be assigned him or her, and he is hereby given authority to dispense with the services of any employee or employees for any such time or number of days as their services shall not be needed during the session, and they shall not be paid for such time, nor shall other persons be appointed into their places for any such time as they may be suspended when not needed; and, be it

*Further Resolved*, That the Speaker is hereby authorized to assign employees to such positions and duties as he may deem proper to secure the most efficient and expeditious work during the Session of the Legislature; and be it



*Further Resolved*, That no person appointed under authority of this resolution and receiving pay hereunder shall concurrently receive compensation from any other department or agency of state government and no person who availed himself or herself of early retirement under the provisions of Senate Bill 10, First Extraordinary Session, 1988, may be appointed under the provisions of this resolution. Notwithstanding designation of positions or duties herein prescribed, any employee may be assigned additional duties by the person by whom appointed, and may be assigned to such positions and duties, as may be deemed proper to serve the most efficient and expeditious work; and, be it

*Further Resolved*, That following the session, the Speaker is authorized until superceded by subsequent House Resolution, to remove or appoint any employee of the House, and establish such duties and compensation as is deemed appropriate for each employee; and, be it

*Further Resolved*, That any and all provisions of House Rule 9 in conflict with this resolution are hereby suspended.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 4) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Delegates J. Kelly, Anderson, Azinger, Cooper, Hollen, Criss, Shott, Ellington, Summers, Mr. Hanshaw, Mr. Speaker and McGeehan offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 2** - "Requesting the Division of Highways to name bridge number [54-68-17.10] (54A205), locally known as Juliana Street Bridge, carrying WV 68 over the Little Kanawha River and US Route 50 in Wood County, the 'Senator J. Frank Deem Memorial Bridge'."

Whereas, John Franklin Deem was born March 20, 1928, in Harrisville, West Virginia to Fulton S. Deem and Lyla Matheny Deem; and

Whereas, John Franklin Deem, known throughout his life as “Frank”, attended Ritchie County Schools, graduated from Harrisville High School, attended Mountain State Business College, West Virginia University, and received a B.S. in Petroleum Engineering from Marietta College; and

Whereas, Frank Deem felt the call of duty to his country and served in the United States Navy during World War II; and

Whereas, Frank Deem was a successful businessman, owning and operating Frank Deem’s Market in Harrisville, Frank Deem Chevrolet in St. Marys, and JF Deem Oil and Gas in Harrisville and Parkersburg for more than 50 years; and

Whereas, Frank Deem gave generously of his time to his community as a supporter of the Ritchie County Golf Program, the Boys and Girls Club of Parkersburg, the Parkersburg Arts Center, the WVUP Foundation, the Rotary Foundation, and the West Virginia Symphony; and

Whereas, Frank Deem was also recognized for his contributions, having been named Oil and Gas Man of the Year, received the Distinguished WV Award, bestowed with an Honorary Degree from WVU – Parkersburg, and recognized as Rotary Foundation Paul Harris Fellow; and

Whereas, Among his many accomplishments he was perhaps most proud that he designed and oversaw construction of the North Bend Golf Course in Harrisville; and

Whereas, His commitment to public service was exemplified by his participation in the West Virginia Legislature, first as a Delegate and later as a Senator, having served in the Legislature in each decade since 1954; and

Whereas, Frank Deem passed away on October 18, 2018, and his character, experience, and statesmanship will be greatly missed by his colleagues at the Legislature; and

Whereas, It is fitting that an enduring memorial be established to commemorate Senator Deem and his contributions to his community, to our state, and to our country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number [54-68-17.10] (54A205), locally known as Juliana Street Bridge, carrying WV 68 over the Little Kanawha River and US Route 50 in Wood County, the “Senator J. Frank Deem 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 “Senator J. Frank Deem Memorial Bridge”; and, be it

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

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

**By Delegate McGeehan:**

**H. J. R. 1** - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two-thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegate Caputo:**

**H. J. R. 2** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section 1b, article X thereof, relating to homestead exemption increase; numbering and

designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegate Bates:**

**H. J. R. 3** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to imposing term limits for senators and delegates; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegates Wilson and Rowan:**

**H. J. R. 4** - “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section 23 relating to defining the word ‘person’ or ‘persons,’ as those terms are used in Article III of the Constitution of the State of West Virginia, to include every human being from the moment of fertilization, cloning, or the functional equivalent thereof; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegate Wilson:**

**H. J. R. 5** - “Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

And,

**By Delegate Bates:**

**H. J. R. 6** - “Proposing an amendment to the Constitution of the State of West Virginia, amending, article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts

after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

### **Motions**

At the request of Delegate Summers, and by unanimous consent, the applicable provisions of House Rule 136, relating to privileges of the floor, were suspended for the Joint Assembly, and approved activities during the Session, to permit invited guests the privileges of the floor.

### **Bills Introduced**

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

#### **By Delegate Fast:**

**H. B. 2021** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-11, relating to relocation or closure of state higher education institutions; establishing legislative findings; requiring an economic and educational accessibility impact study and plan be provided by a state institution of higher education to the Higher Education Policy Commission prior to closure or transfer of the physical presence in an existing location; requiring the commission to review, provide feedback and suggested changes to the institution desiring to close or transfer a physical presence; requiring the commission to make a recommendation to the Legislative Oversight Commission on Education Accountability (LOCEA); requiring the LOCEA to consider and take action within six months of submission; authorizing amendment of the recommended plan; authorizing transfer or closure pursuant to an approved LOCEA plan”; to the Committee on Education then the Judiciary.

**By Delegates Rowan and Fast:**

**H. B. 2022** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45a, relating to permitting a county school board to accrue instructional days or portions thereof during years of good weather and use them in years of inclement weather”; to the Committee on Education.

**By Delegate Fast:**

**H. B. 2023** - “A Bill to repeal §21-3-19 of the Code of West Virginia, 1931, as amended, relating to employer discrimination for use of tobacco products”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fast:**

**H. B. 2024** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-109a, relating to allowing a home improvement transaction to be performed under an oral contract”; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2025** - “A Bill to amend and reenact §5-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person or entity alleged to have committed the unlawful discriminatory practice”; to the Committee on the Judiciary.

**By Delegate Fast:**

**H. B. 2026** - “A Bill to amend and reenact §11-14-2 and §11-14-11 of the Code of West Virginia, 1931, as amended, all relating to gasoline and fuel excise tax; requiring a refund of gasoline or fuel excise tax when fuel is consumed by a commercial vehicle while that vehicle is not operated upon the highways of this state”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Fast:**

**H. B. 2027** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-32,

relating to requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers for smoother final repair; and providing an exception”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Fast:**

**H. B. 2028** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts’ laying of water or sewer lines on state rights-of-way; and limiting the onsite time required supervision by a state engineer”; to the Committee on Government Organization.

**By Delegate Fast:**

**H. B. 2029** - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to Public Defender Services; increasing the hourly rate for attorneys for in court and out of court work including investigative services; permitting attorneys who spend at least 1200 hours a year on court appointed cases to enroll in the Public Employees Insurance Agency plans; and requiring the executive director to propose rules, for legislative approval, that relate to requirements for the attorneys to enroll in the plans”; to the Committee on the Judiciary then Finance.

**By Delegate Wilson:**

**H. B. 2030** - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap or fish in this state without first obtaining a license”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Wilson and J. Kelly:**

**H. B. 2031** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to permitting persons who have been issued state licenses to carry concealed deadly weapons on the grounds of the State Capitol Complex, except for the third and fourth floors of the east wing of Building One”; to the Committee on the Judiciary.

**By Delegates Wilson and J. Kelly:**

**H. B. 2032** - “A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education”; to the Committee on Education then the Judiciary.

**By Delegate Wilson:**

**H. B. 2033** - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to the death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (‘DNA’) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

**By Delegate Fast:**

**H. B. 2034** - “A Bill to amend and reenact §18-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting West Virginia institutions of higher learning and state agencies from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing as a precondition for acceptance into the institution of higher learning”; to the Committee on Education.



**By Delegates Fast and Rowan:**

**H. B. 2035** - “A Bill to repeal §5A-3-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-11 of said code, all relating to requiring competitive bidding for all state purchases of commodities, printing and services of \$25,000 or less in cost; repealing the provision for prequalification agreement and agency-delegated bidding; requiring purchases to be made at the lowest retail cost for the desired level of quality of the commodities, printing and services; eliminating requirements for written bids for purchases of \$2,500 or less; and requiring purchases to be made at the lowest retail price available for the commodities, printing and services at the level of quality sought by the spending unit”; to the Committee on Government Organization then Finance.

**By Delegates Cooper, Pack and Rowan:**

**H. B. 2036** - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to permitting vehicles displaying disabled veterans special registration plates to park in places where persons with mobility impairments may park”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates R. Thompson and Rohrbach:**

**H. B. 2037** - “A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to creating an additional class of special education classroom aides and to specify the pay grade for this class of school service personnel”; to the Committee on Education then Finance.

**By Delegates Howell and Pack:**

**H. B. 2038** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-2a, relating to the procedure to determine if an occupation or profession should be regulated; providing when an application to regulate is prohibited; and when a license for a regulated expires”; to the Committee on Government Organization.

**By Delegates Caputo and Rowan:**

**H. B. 2039** - “A Bill to amend and reenact §18-5-20 of the Code of West Virginia, 1931, as amended, relating to county

boards of education; school libraries; requiring each school to have a certified library media specialist; and requiring the board to develop professional standards and the salary for the certified library media specialist”; to the Committee on Education then Finance.

**By Delegates R. Thompson and Caputo:**

**H. B. 2040** - “A Bill to amend and reenact §18A-4-8b of the Code of West Virginia, 1931, as amended, relating to qualifications of paraprofessionals, autism mentors, and braille or sign support specialists to be early childhood classroom assistant teachers”; to the Committee on Education then Finance.

**By Delegates R. Thompson and Miller:**

**H. B. 2041** - “A Bill to amend and reenact §18-7A-25 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System, permitting retirement after 25 years of contributing service, regardless of age”; to the Committee on Pensions and Retirement then Finance.

**By Delegate R. Thompson:**

**H. B. 2042** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to specifying the grade point average required for student participation in interscholastic athletics at the high school level”; to the Committee on Education.

**By Delegate R. Thompson:**

**H. B. 2043** - “A Bill to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, relating to requiring moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis to the specific forest or park that was timbered; and creating a special fund”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Foster:**

**H. B. 2044** - “A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers and school officials

in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest cost”; to the Committee on Government Organization then the Judiciary.

**By Delegate Foster:**

**H. B. 2045** - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to filing reports with the Division of Labor and removing the requirement for contactors to file payroll information on public improvement construction projects”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Foster and Summers:**

**H. B. 2046** - “A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203 and §48-9-204 of said code; to amend said code by adding thereto a new section, designated §48-9-204a; and to amend and reenact §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child”; to the Committee on Senior, Children, and Family Issues.

**By Delegate Sponaugle:**

**H. B. 2047** - “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement, probation and parole officers and interfering with emergency communications; and amending the penalties for several of the violations to make it clear that the convicted person may be fined and confined”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2048** - “A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to the definition

of an ‘employee’ for purposes of payment of minimum wages, maximum hours, and overtime compensation; and exempting persons employed by seasonal recreational establishments from the definition of an ‘employee’ for those purposes”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Foster:**

**H. B. 2049** - “A Bill to repeal §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor’s responsibility for wages and benefits”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Fleischauer:**

**H. B. 2050** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-5-3a, relating to orders or decisions involving claims of sexual harassment, sexual abuse or sexual assault; prohibiting confidential financial terms of settlement or nondisclosure of defendant; penalties”; to the Committee on the Judiciary.

**By Delegate Canestraro:**

**H. B. 2051** - “A Bill to amend and reenact §15-2A-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police Retirement System; and increasing the annual cost of living benefits for retirants from one percent a year to three percent a year”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Sponaule:**

**H. B. 2052** - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists”; to the Committee on the Judiciary.

**By Delegates Fleischauer and Pyles:**

**H. B. 2053** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-28, relating to providing that state retirees’ insurance benefits be

restored to the benefit levels that existed in 2015”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Sponaugle, Caputo and Longstreth:**

**H. B. 2054** - “A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to giving all honorably discharged veterans 10 extra points when successfully completing a civil service examination”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Sponaugle and Caputo:**

**H. B. 2055** - “A Bill to amend and reenact §22-21-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22C-9-7 of said code, all relating to prohibiting drilling units from being established without consent of all owners; prohibiting coal bed methane units from being established without consents from all owners; and prohibiting deep oil or gas well units from being established without consents from all owners”; to the Committee on Energy then the Judiciary.

**By Delegates Fleischauer, Pyles and Canestraro:**

**H. B. 2056** - “A Bill to repeal §21-5G-1, 3 §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1A-3 and §21-1A-4 of said code, all relating to repealing the West Virginia Workplace Freedom Act and restoring prior law; and authorizing employers, through agreement with a labor organization, to require membership in the organization as a condition of employment”; to the Committee on Industry and Labor then the Judiciary then Finance.

**By Delegates Fleischauer, Pyles and Canestraro:**

**H. B. 2057** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8 and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to

file objections to prevailing wage rate determinations; providing for hearings, judicial review and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and record-keeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts”; to the Committee on Industry and Labor then the Judiciary then Finance.

**By Delegates Fleischauer, Pyles and Rohrbach:**

**H. B. 2058** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting retirement income of members of certain uniformed services from state income tax”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Fluharty and Pyles:**

**H. B. 2059** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to expanding the amount of PROMISE scholarship funds awarded to persons majoring in science, technology, engineering and mathematics fields”; to the Committee on Education then Finance.

**By Delegate Sponaugle:**

**H. B. 2060** - “A Bill to amend and reenact §17C-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1a, §17C-5A-3 and §17C-5A-3a of said code; and to amend said code by adding thereto a new section, designated §17C-5C-6, all relating to the procedures for driver’s license suspension and revocation in criminal proceedings for driving under the influence of alcohol, controlled substances or drugs (D.U.I.); eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual’s driver’s license on the basis of D.U.I. in the absence of a conviction or a court-ordered suspension or revocation; eliminating all statutory provisions authorizing or requiring the commissioner to require an individual to complete the Motor Vehicle Test and Lock program or other safety programs; creating a process by which an individual may notify the commissioner if his or her driver’s license has been incorrectly suspended or revoked based on mistaken identity of the

defendant in a transcript of judgment or conviction; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; completely transferring jurisdiction for suspension or revocation of a driver's license based on D.U.I. to the court with jurisdiction over the criminal proceedings; requiring a defendant to surrender his or her driver's license upon suspension by the court; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license; establishing procedures and a timeline for the Division of Motor Vehicles to transfer jurisdiction of driver's license suspension and revocation to the courts; and eliminating all statutory provisions authorizing or requiring the commissioner to prescribe the terms and conditions of driver's license reissuance following D.U.I."; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Fleischauer and Pyles:**

**H. B. 2061** - "A Bill to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage Control Commissioner and his or her agents to enter and inspect the premises of a private club does not limit or restrict the authority of local law enforcement to enter any public area on or adjacent to any private club or from taking other appropriate police action or investigation to enforce the underage drinking laws of this state"; to the Committee on the Judiciary.

**By Delegates Fleischauer and Caputo:**

**H. B. 2062** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3F-1, §21-3F-2, §21-3F-3, §21-3F-4, §21-3F-5, §21-3F-6, §21-3F-7, §21-3F-8 and §21-3F-9, all relating to labor; providing for healthy workplaces by providing remedies for hostile work environments; defining terms; providing an affirmative defense for employers; banning retaliation in certain circumstances; providing an employer duty to respond to third-party acts of malice; restricting applicability to employment practices not covered by existing state

laws on human rights or wrongful discharge; and providing certain time limitations for commencing action”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Fluharty:**

**H. B. 2063** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2064** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-37a, relating to a five percent bid preference on certain state contracts for businesses owned 51 percent by honorably discharged resident veterans”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Sponaugle and Caputo:**

**H. B. 2065** - “A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §18C-8-1, §18C-8-2, §18C-8-3, §18C-8-4, §18C-8-5 and §18C-8-6, all relating to expiring the PROMISE Scholarship Program; establishing the Promise for All Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions and limitations for participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and providing for funding of program”; to the Committee on Education then Finance.

**By Delegates Sponaugle, Miller and Caputo:**

**H. B. 2066** - “A Bill to amend and reenact §62-1C-1 of the Code of West Virginia, 1931, as amended; and to amend said code



by adding thereto a new section, designated §62-1C-1b, all relating to establishing an alternative methodology for pretrial release of persons charged with crimes”; to the Committee on the Judiciary.

**By Delegates Hollen, J. Kelly and Fast:**

**H. B. 2067** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17; and to amend said code by adding thereto a new section, designated §8-11-6, all relating to prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate J. Kelly:**

**H. B. 2068** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-28-1, related to providing counties the power to establish a county sales tax if there is a municipality within their borders participating in the Municipal Home Rule Pilot Program that has enacted a municipal home rule sales tax; establishing county tax will not be in effect for municipality that has enacted municipal home rule sales tax; and requiring county to submit county tax to Tax Commissioner”; to the Committee on Political Subdivisions then Finance.

**By Delegates J. Kelly and Pyles:**

**H. B. 2069** - “A Bill to amend and reenact §17B-2-7 of the Code of West Virginia, 1931, as amended, relating to requiring all commercial and professional drivers licensed under this chapter or chapter 17E of this code to be fingerprinted and undergo a background check”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate J. Kelly:**

**H. B. 2070** - “A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of

two years; and making a technical correction”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2071** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting a percentage of social security benefits from personal income tax based on individual’s overall amount of taxable income”; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegates J. Kelly and Rowan:**

**H. B. 2072** - “A Bill to amend and reenact §18B-2B-6 of the Code of West Virginia, 1931, as amended, relating to tuition and fees at community and technical colleges; setting forth guidelines therefor”; to the Committee on Education then Finance.

**By Delegate Sypolt:**

**H. B. 2073** - “A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6A-12a, all relating to requiring continuous monitoring of air, noise, dust and particulates; requiring the operator to undertake the best available control technology if standards for air, noise, dust or particulates are exceeded; and changing the set back from horizontal well work activity to a residence to 1,500 feet from the limit of well work disturbance”; to the Committee on Energy then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2074** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, and §16-2P-3, all relating to the right to life guaranteed to all human beings and providing definitions”; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2075** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting law-enforcement officers who are members of a municipal paid police department,

county sheriff's office or the State Police from payment of income and personal property taxes"; to the Committee on Political Subdivisions then Finance.

**By Delegate Pushkin:**

**H. B. 2076** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-11c, relating to providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system or the Green Globes Building Initiative green building rating standard; setting forth the amount of the credit; establishing who may take the credit; establishing the amount of the credit; establishing the criteria for taking the credit; providing rule-making authority; and defining terms"; to the Committee on Government Organization then Finance.

**By Delegates Pushkin and Rohrbach:**

**H. B. 2077** - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present; penalty"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2078** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'"; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2079** - "A Bill to amend and reenact §16A-6-3 and §16A-6-13 of the Code of West Virginia, 1931, as amended, all relating to removing certain limitations on medical marijuana grower, processor and dispensary licenses"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2080** - “A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing possession and smoking of medical cannabis by approved persons”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2081** - “A Bill to amend and reenact §16A-7-2 of the Code of West Virginia, 1931, as amended, relating to allowing medical marijuana to be grown outdoors by licensed growers”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2082** - “A Bill to amend and reenact §16A-16-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the earlier issuance of identification cards to approved medical marijuana consumers and caregivers”; to the Committee on Health and Human Resources then Finance.

**By Delegates Pushkin and Shott:**

**H. B. 2083** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-9, relating to facilitating a released inmate’s reintegration into society, by requiring the Commissioner of the Division of Motor Vehicles and Commissioner of Corrections, to provide an identification card for released inmates who do not have a West Virginia identification card or driver’s license”; to the Committee on the Judiciary then Finance.

**By Delegate Pushkin:**

**H. B. 2084** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to permitting certain felons to work in licensed behavioral health facilities; setting conditions and limitations; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2085** - “A Bill to amend and reenact §16-18-25 and §16-18-26 of the Code of West Virginia, 1931, as amended, all relating

to requiring urban renewal authorities to submit active, amended, and proposed urban renewal projects and plans to the affected local county boards of health for review and comment; requiring urban renewal authorities to meet with municipalities and communities regarding those projects and plans; and requiring urban renewal authorities to make reports and make them available to the affected local county boards of health and local residents”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Storch:**

**H. B. 2086** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6, and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Council to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Council pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that the article modifies, limits and supersedes certain parts of the federal Electronic

Signatures in Global and National Commerce Act”; to the Committee on the Judiciary.

**By Delegates Storch and Canestraro:**

**H. B. 2087** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

**By Delegate Anderson:**

**H. B. 2088** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-5c, relating to reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin and their respective municipalities; establishing state and local oil and gas county reallocated severance tax funds and providing for distribution of the moneys to the county commissions and governing bodies of the municipalities by the State Treasurer; establishing amounts each oil and gas producing county and their respective municipalities are to receive; requiring the creation of local funds into which moneys are to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects;

providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules”; to the Committee on the Judiciary.

**By Delegates Anderson and J. Kelly:**

**H. B. 2089** - “A Bill to amend and reenact §11-3-27 of the Code of West Virginia, 1931, as amended, relating to erroneous tax assessments and overpayments to the county; clarifying that relief may be sought for overpayment of taxes by a taxpayer; establishing a procedure for petitioning the Auditor for additional review of a county commission’s decision; granting the Auditor express authority to order the county commission to make reimbursement or issue a tax credit where a county commission’s decision is found to be clearly erroneous; and granting the Auditor express authority to promulgate emergency rules in order to comply with this section”; to the Committee on the Judiciary.

**By Delegate Anderson:**

**H. B. 2090** - “A Bill to amend and reenact §30-3-14 of the Code of West Virginia, 1931, as amended, relating to advertising by physicians and podiatrists; providing that the use of patient testimonials in advertising is not per se false or deceptive advertising”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Cowles:**

**H. B. 2091** - “A Bill to amend and reenact §7-2-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum number of magisterial districts in a county from three to four”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Summers:**

**H. B. 2092** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to crimes against the peace; offenses occurring at State Capitol Complex property; and when a person lawfully entitled to possess a firearm

may keep a firearm in a motor vehicle upon a State Capitol Complex property”; to the Committee on the Judiciary.

**By Delegate Dean:**

**H. B. 2093** - “A Bill to amend and reenact §18A-4-8f of the Code of West Virginia, 1931, as amended, relating to permitting classroom teachers or school service personnel who at the time of a school merger who are the sole occupants of the same position that will exist at the new school will maintain that position at the new school; and, if posting is otherwise required, only the posting of service, professional or administrative positions for a merged school is required only when duplicate positions exist”; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 2094** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to personal property tax; exempting motor vehicles from personal property tax”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Dean:**

**H. B. 2095** - “A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to assessing the college-and career-readiness of 11<sup>th</sup> and 12<sup>th</sup> grade students and removing the requirement that seniors in 12<sup>th</sup> grade transitional program classes be reassessed at the conclusion of those classes”; to the Committee on Education.

**By Delegate Pushkin:**

**H. B. 2096** - “A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-2-914; and to amend said code by adding §49-5-106, all relating to the juvenile justice reform oversight committee and averted costs reinvestment; creating a juvenile justice account and providing its purpose, funding and disbursements; requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public”; to the Committee on the Judiciary then Finance.



**By Delegates McGeehan and J. Kelly:**

**H. B. 2097** - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to the hunting of coyotes; permitting year-round hunting of coyotes using artificial light or night vision technology and permitting hunting of coyotes at any hour”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate McGeehan:**

**H. B. 2098** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to allowing a taxpayer a personal income tax credit for each dependent that participated in home educational instruction for the most recent academic year”; to the Committee on Education then Finance.

**By Delegate McGeehan:**

**H. B. 2099** - “A Bill to repeal §29-22A-10d, §29-22A-10e, §29-22A-10f of the Code of West Virginia, 1931, as amended; to repeal §29-22C-27a of said code; to repeal §29-25-22b of said code; and to amend and reenact §29-22-18d of said code, all relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom; restoring the amount that may be transferred to the Racetrack Modernization Fund to 2013 rates; eliminating certain statutory distributions to the State Excess Lottery Revenue Fund; restoring statutory distributions to capital reinvestment, purse funds and development funds to 2013 rates; and eliminating the statutory authorization for distributions to be paid on a pro rata basis”; to the Committee on Finance.

**By Delegate Hornbuckle:**

**H. B. 2100** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to establishing a pilot program to develop school-based mental and behavioral health services as an alternative to disciplinary action for disruptive student behavior”; to the Committee on Health and Human Resources then Education.

**By Delegate Hornbuckle:**

**H. B. 2101** - “A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on soft drinks; modifying the tax to only cover sugary drinks; modifying the tax to two cents per ounce; redistributing the revenue generated to all three medical schools in the state; and providing for an effective date”; to the Committee on Finance.

**By Delegate Fleischauer:**

**H. B. 2102** - “A Bill to amend and reenact §22-6A-8, §22-6A-10 and §22-6A-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-6A-12a; and to amend and reenact §22-6B-3, §22-6B-5 and §22-6B-7 of said code, all relating generally to horizontal well control standards; changing an elective obligation to a mandatory one; requiring notice in certain instances be sent to the occupants of residential property; prohibiting the limit of disturbance of a well site to be closer than 1,500 feet of an occupied dwelling; providing that a notice include certain information; establishing standards relating to air, noise, light and dust; permitting landowners be compensated for any decrease in the values of the land for its highest and best use; requiring the notice of a claim be also provided to an occupant of residential structure on the property; and establishing a statute of limitations for claims being filed”; to the Committee on Energy then the Judiciary.

**By Delegate Miller:**

**H. B. 2103** - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to establishing motor vehicle registration plates for official vehicles of emergency management agencies”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Caputo:**

**H. B. 2104** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to increasing benefits of retired state personnel and retired teachers by five percent a year

for the next three consecutive years”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Caputo:**

**H. B. 2105** - “A Bill to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of 800 state troopers by July 1, 2018; and increasing the salary increase received at the end of two years of service with the West Virginia State Police from \$500 to \$580”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Caputo:**

**H. B. 2106** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in and are assigned to one of the top five counties in median monthly housing costs”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Caputo:**

**H. B. 2107** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-15B-1, §8-15B-2, §8-15B-3, §8-15B-4, and §8-15B-5, all relating to meeting and conference rights for members of fire departments employed by political subdivisions; providing for the right of self-organization; allowing designation of an exclusive representative agent; imposing a duty to meet and confer with employees; allowing deduction of employee organization dues and assessments; providing for compulsory arbitration of disputes; listing prohibited acts; allowing hearing before Civil Service Commission; providing judicial review; specifying powers and duties of the Civil Service Commission; and allowing injunctive relief”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2108** - “A Bill to repeal §11-21-22a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-22 and §11-21-22b of said code, all relating to personal income tax; creating the West Virginia Earned Income Tax Credit; and authorizing a refundable tax credit based upon the federal earned income tax credit”; to the Committee on Finance.

**By Delegate Canestraro:**

**H. B. 2109** - “A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from 60 days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation”; to the Committee on the Judiciary then Finance.

**By Delegate Canestraro:**

**H. B. 2110** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to reallocating and dedicating up to \$30 million of the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin; providing for distribution of the moneys to the districts of the Division of Highways by the State Treasurer; establishing amounts each natural gas and oil-producing Division of Highways district and counties within a district are to receive; requiring moneys be used solely for the secondary roads; providing duties of State Tax Commissioner and Division of Highways; requiring reports of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; providing an effective date; and authorizing legislative and emergency rules”; to the Committee on Energy then Finance.

**By Delegate Caputo:**

**H. B. 2111** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of

Natural Resources police into the class of law-enforcement officers exempted”; to the Committee on Pensions and Retirement then Finance.

**By Delegate R. Thompson:**

**H. B. 2112** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-5a, relating to requiring that state and public roads that have not been maintained for a period of three consecutive years shall be returned to their original tract of land”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Howell:**

**H. B. 2113** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms”; to the Committee on Energy then the Judiciary.

**By Delegate Howell:**

**H. B. 2114** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-4-56, relating to permitting the Commissioner of the Division of Highways to purchase hardware items and equipment from a local seller rather than the holder of a state contract if the cost of the item or equipment is less than the cost from the holder of the state contract”; to the Committee on Government Organization then the Judiciary.

**By Delegate Howell:**

**H. B. 2115** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-16F-1, §17A-16F-2, §17A-16F-3, §17A-16F-4, §17A-16F-5, and §17A-16F-6, all related to creating the Right to Repair Act; requiring a manufacturer of motor vehicles sold in the state to make diagnostic and repair information available to owners independent

repair facilities that the manufacturer makes available to its dealers through the manufacturer's Internet-based diagnostic and repair information system; providing exceptions; providing additional remedies; and defining terms"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Howell:**

**H. B. 2116** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §25-8-1, relating to monitoring, copying and emailing certain inmate mail; and requiring a waiver"; to the Committee on the Judiciary then Finance.

**By Delegate Pyles:**

**H. B. 2117** - "A Bill to amend and reenact §8-26A-3 of the Code of West Virginia, 1931, as amended, relating to the approval of an appropriate historic landmarks commission for certain municipal planning commission projects within a historic district designated by listing on the National Register of Historic Places"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Pyles:**

**H. B. 2118** - "A Bill to amend and reenact §17-4-27 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-17-12 of said code, all relating to the power of local government authorities to regulate vehicular traffic within their borders"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Pyles:**

**H. B. 2119** - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to prohibiting the performing of an onychectomy or flexor tendonectomy procedure on a cat"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Pyles:**

**H. B. 2120** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-

3a, relating to providing local government the authority to place video cameras at road intersections with frequent accidents to assist in liability determinations”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Pyles:**

**H. B. 2121** - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell alcoholic beverages after one o’clock p.m. on Sundays”; to the Committee on the Judiciary then Finance.

**By Delegate Rowan:**

**H. B. 2122** - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to Legislative Oversight Commission; defining high cost/high acuity special needs; and providing for method of fund disbursement”; to the Committee on Education then Finance.

**By Delegate Shott:**

**H. B. 2123** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto, a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, §37-16-9, §37-16-10, §37-16-11, §37-16-12, and §37-16-13, all relating to enacting the Uniform Partition of Heirs Property Act; defining terms; providing for a court hearing to determine if the partition action concerns heirs’ property; providing for notice by publication in a partition action; providing for requirements for commissioners; providing procedures for a court to follow in determining the value of the property and factors for a court to consider for certain types of partitions; providing procedures for cotenant buyout; providing for alternatives to a partition action; providing for certain factors for the court to consider in determining whether partition in kind is appropriate; providing for open-market sales, sealed bids, or auctions; providing reporting requirements for an open-market sale; providing for uniformity of application and construction; and

modifying, limiting, and superseding the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 *et seq.*”; to the Committee on Energy then the Judiciary.

**By Delegate Cooper:**

**H. B. 2124** - “A Bill to amend and reenact §24A-7-7 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of motor carrier inspectors; and requiring compliance by commercial vehicle drivers”; to the Committee on the Judiciary.

**By Delegate Caputo:**

**H. B. 2125** - “A Bill to amend and reenact §33-2-21 of the Code of West Virginia, 1931, as amended, relating to granting the Insurance Commissioner the authority to regulate and penalize self-insured employers; providing for monetary penalties; and permitting noncompliant self-insured employers to become compliant without penalty”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Caputo:**

**H. B. 2126** - “A Bill to amend and reenact §18A-2-2 and §18A-2-6a of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education to provide released time for professional educators and service personnel when serving in a part-time elected or appointed municipal or county offices”; to the Committee on Education then Finance.

**By Delegate Caputo:**

**H. B. 2127** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-23, relating to providing career development; and establishing annual salaries for Alcohol Beverage Control Administration inspectors, enforcement agents and supervisors”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2128** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend



parent-teacher conferences for their children”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2129** - “A Bill to amend and reenact §33-20-5 of the Code of West Virginia, 1931, as amended, relating to insurance generally; and prohibiting the use of a credit score in casualty insurance rate filings”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Caputo:**

**H. B. 2130** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-9a, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for additional duty, overtime, and promotions; and determining seniority in case of absence”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2131** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22C-13-1, relating to establishing the Legislative Oversight Commission on Energy Workers’ Safety; directing the commission to study workers’ safety; and establishing reporting requirements for boards and agencies that regulate and otherwise oversee workers’ safety”; to the Committee on Energy then the Judiciary.

**By Delegate Caputo:**

**H. B. 2132** - “A Bill to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of annual and incremental salary increases for eligible employees from \$60 to \$100; and changing eligibility from three years of service to one”; to the Committee on Government Organization then Finance.

**By Delegate Caputo:**

**H. B. 2133** - “A Bill to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to creating an additional magistrate court deputy clerk position for Marion County”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Caputo:**

**H. B. 2134** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11-1, §47-11-2, §47-11-3, §47-11-4, §47-11-5, §47-11-6, §47-11-7, §47-11-8 and §47-11-9, all relating to requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability; establishing requirements and exceptions; giving Secretary of the Department of Transportation responsibility for implementation and enforcement; giving secretary rule-making authority; and providing civil penalties”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Caputo:**

**H. B. 2135** - “A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Superintendent of the State Police to develop a plan to increase the number of troopers to a minimum of 800 by July 1, 2020”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Fleischauer:**

**H. B. 2136** - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, relating to clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Fleischauer:**

**H. B. 2137** - “A Bill to amend and reenact §61-3-51 of the Code of West Virginia, 1931, as amended, relating to requiring persons who are in the business of purchasing precious metals and

precious gems to photograph those purchases and to transmit the photographs to law-enforcement authorities; and lessening the criminal penalty from a felony to a misdemeanor”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegate Fleischauer:**

**H. B. 2138** - “A Bill to amend and reenact §22-3-22a of the Code of West Virginia, 1931, as amended, relating to prohibiting blasting within 625 feet of an occupied dwelling”; to the Committee on Energy then the Judiciary.

**By Delegate Caputo:**

**H. B. 2139** - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to allowing quarterly payment of real and personal property taxes”; to the Committee on the Judiciary then Finance.

**By Delegate Caputo:**

**H. B. 2140** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-20, relating to providing a ten percent discount to West Virginia residents for lodging, camping and other recreational activities at state parks and forests”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Caputo:**

**H. B. 2141** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; and requiring rules relating to interscholastic athletic football events include the requirement that neck braces be worn by all football players”; to the Committee on Education then Finance.

**By Delegate Howell:**

**H. B. 2142** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16, relating to issuing identification documents to homeless individuals residing at homeless shelters within this state at no cost; stating legislative intent; defining terms; creating a process by

which a homeless individual may apply for certain identifying documents to be provided at no cost; requiring the division to issue certain identifying documents to eligible homeless individuals at no cost; and requiring the commissioner to develop forms”; to the Committee on the Judiciary then Finance.

**By Delegate Howell:**

**H. B. 2143** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, relating to regulation of firearms, firearms accessories and ammunition; creating the ‘West Virginia Firearms Freedom Act’; providing legislative declarations of authority; definitions; exceptions; and providing that firearms manufactured in this state have the words ‘Made in West Virginia’ clearly stamped on the firearm”; to the Committee on the Judiciary.

**By Delegate Shott:**

**H. B. 2144** - “A Bill to amend and reenact §5A-3-33c, §5A-3-33d, §5A-3-33e, and §5A-3-33f of the Code of West Virginia, 1931, as amended, all relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions; updating the duties of the Director of Purchasing; specifying additional grounds for debarment of a vendor; providing that actions of an individual may be imputed to a vendor under certain circumstances; providing for the debarment of individuals in addition to vendor businesses; providing for the debarment of subcontractors; specifying mandatory conditions for the initiation of debarment proceedings; and prohibiting the state from contracting with, or soliciting bids from, certain parties related to debarred vendors”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2145** - “A Bill to amend and reenact §12-3-1a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §12-3-1c, all relating to payment by paper warrant; directing the Enterprise Resource Planning Board to establish a schedule for payment of paper warrants and checks; authorizing a fee to be imposed and collected for payment by paper warrant or check; and authorizing a fee to be imposed and collected for payment by paper warrant or check

outside of the established schedule”; to the Committee on Government Organization then Finance.

**By Delegate Rowe:**

**H. B. 2146** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-2-10, relating to creating a loan tuition forgiveness program to encourage students in selected and necessary fields to remain in the state; creating a ‘New College Families’ loan forgiveness program; and creating a loan forgiveness program for counties with low college attendance”; to the Committee on Education then Finance.

**By Delegate Bates:**

**H. B. 2147** - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting pay of members of the Legislature when a budget bill has not been passed during a regular session”; to the Committee on the Judiciary then Finance.

**By Delegate Summers:**

**H. B. 2148** - “A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition of certain surplus equipment and materials, requiring recycling of metal if cost effective”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Lovejoy:**

**H. B. 2149** - “A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-To-Food Bank Tax Credit; and allowing the credit to equal 100 percent of the value of the donated edible agricultural products when the value is \$2,500 or less”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Cooper:**

**H. B. 2150** - “A Bill to amend and reenact §20-1-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-45, all relating to providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents of the state;

definitions; limitation upon the fee amounts; providing for emergency rule and legislative rules”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegate Cooper:**

**H. B. 2151** - “A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to the beginning and expiration of hunting and fishing licenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2152** - “A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to permitting teachers under the State Teachers Retirement System to teach college level courses without loss of retirement annuity or benefits”; to the Committee on Pensions and Retirement then Education.

**By Delegate Rowe:**

**H. B. 2153** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates”; to the Committee on Health and Human Resources then Finance.

**By Delegate Rowe:**

**H. B. 2154** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers and creating a litigation practice license for social workers”; to the Committee on Government Organization then the Judiciary.

**By Delegate Bates:**

**H. B. 2155** - “A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended; relating to Capitol Complex security access; permitting the issuance of electronic keycards to certain individuals by the Director of the Division of Protective Services; providing for the renewal thereof; setting expiration dates; requiring the development of forms for the application for electronic keycards by the director or his or her designee by eligible individuals; establishing application fee; allowing certain state employees to waive certain fees; providing for the deposit of application fees into a special revenue account; providing that privileges attaching to keycards are not transferable; and providing for revocation of keycards for violation of the conditions of issuance and at the discretion of the director”; to the Committee on the Judiciary then Finance.

**By Delegate Rowe:**

**H. B. 2156** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to creating a tax credit for improving facades in historic districts; providing that individuals and corporations are entitled to a 25 percent tax credit of the replacement cost of historic facades; and setting forth conditions”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2157** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-2b, relating to the right of municipalities and counties to buy real estate for delinquent taxes”; to the Committee on Political Subdivisions then Finance.

**By Delegate Rowe:**

**H. B. 2158** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-16a, relating to alternate sentencing for nonviolent felony offenders”; to the Committee on the Judiciary.

**By Delegate Rowe:**

**H. B. 2159** - “A Bill to amend and reenact §17-4-18 of the Code of West Virginia, 1931, as amended, relating to requiring paving contracts for state highways to have special requirements to prevent potholes”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Rowe:**

**H. B. 2160** - “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 and §5B-8-3, all relating to establishment of an Economic and Community Development Task Force; composition of task force; and requiring a report of task force to Joint Committee on Government and Finance”; to the Committee on Government Organization then Finance.

**By Delegate Rowan:**

**H. B. 2161** - “A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-11D-3 of said code, all relating to sex offenders; prohibiting sexual offenders from residing within 1,000 feet of a school or childcare facility; requiring persons, as a condition of probation, parole or supervised release, convicted of sexual crimes against a minor be subject to global positional system monitoring for life; and providing for a felony penalty”; to the Committee on the Judiciary then Finance.

**By Delegate Rohrbach:**

**H. B. 2162** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state recognition of Native American tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling; and providing penalty for unauthorized use of trademark”; to the Committee on Government Organization then the Judiciary.



**By Delegate Pushkin:**

**H. B. 2163** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, §46A-6N-6, §46A-6N-7, §46A-6N-8, §46A-6N-9, and §46A-6N-10, all relating to placing upon the manufacturers of manufactured homes the duty to meet their obligations and responsibilities under the terms of the express warranties extended to the consumers in this state; and providing consumers additional remedies to enforce the warranties”; to the Committee on the Judiciary.

**By Delegate Shott:**

**H. B. 2164** - “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits”; to the Committee on the Judiciary.

**By Delegate Miller:**

**H. B. 2165** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1 and §62-16-2, all relating to custody and disposal of seized controlled substances and drugs; creating a designated custodian evidence officer in each law-enforcement agency in the state; providing procedure for chemical analysis and destruction or disposal after a trial; providing procedure for collection and disposition of unused medicine or controlled substances found at the scene of a death; and providing that no criminal liability or professional discipline may be imposed for destroying unused medicine or controlled substances found at the scene of a death, when done in good faith”; to the Committee on the Judiciary.

**By Delegates Howell and J. Kelly:**

**H. B. 2166** - “A Bill to amend and reenact §5A-3-48 of the Code of West Virginia, 1931, as amended, relating to prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle; authorizing those employees to use personal vehicles and be reimbursed at the regular mileage rate for travel on state business;

and requiring promulgation of rules relating to this amendment”; to the Committee on the Judiciary.

**By Delegates Miller and Canestraro:**

**H. B. 2167** - “A Bill to amend and reenact §57-5-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the prosecuting attorney to issue a subpoena duces tecum for documents considered material to a criminal investigation”; to the Committee on the Judiciary.

**By Delegates Hornbuckle and Canestraro:**

**H. B. 2168** - “A Bill to amend and reenact §11-16-10 of the Code of West Virginia, 1931, as amended, relating to authorizing a temporary foreign brewers import license”; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2169** - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, and to amend and reenact §3-2-5 of said code; all relating to the criteria for political party status; allowing a group of affiliated voters to become a recognized political party if the group’s candidate receives one percent of the votes in an election for any one of six statewide offices, including that of Governor, Secretary of State, Treasurer, Auditor, Attorney General or Commissioner of Agriculture; allowing a group of affiliated voters to become a recognized political party if 5,000 or more individuals have identified as members of the group on their current voter registration forms; and requiring voting registration forms to provide a space for individuals who do not select a political party affiliation to write the name of a group of affiliated voters to which they belong”; to the Committee on the Judiciary.

**By Delegate McGeehan:**

**H. B. 2170** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4 and §5-30-5, all relating to providing that all future federal, state and local statutes, ordinances, laws, orders, rules, and any other actions which attempt to restrict, tax, or regulate the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership,

carrying, manufacture, or repair of firearms, firearm accessories, ammunition and their accouterments are invalid and unenforceable; making it a felony to attempt to enforce a federal, state or local statute, ordinance, law, order, rule, or any other action which attempts to restrict, tax, or regulate possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of firearms, firearm accessories, ammunition or their accouterments; prohibiting such laws, orders, rules, policies and other actions by executive departments and state agencies, and providing a felony for violation; providing definitions; making findings; providing penalties; requiring the Attorney General to defend citizens of West Virginia who are prosecuted by the United States government for violation of a federal law relating to the possession, use, discharge in lawful self-defense, transportation, purchase, acquisition, sale, transfer, ownership, carrying, manufacture, or repair of a firearm, a firearm accessory or ammunition; providing exemptions; providing for retroactivity; and providing that ex post facto laws are not created”; to the Committee on the Judiciary.

**By Delegate Miley:**

**H. B. 2171** - “A Bill to amend and reenact §15-12-5 of the Code of West Virginia, as amended, relating to increasing frequency of the State Police updating the State Sex Offender Registry”; to the Committee on the Judiciary then Finance.

**By Delegate Miley:**

**H. B. 2172** - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted”; to the Committee on the Judiciary then Finance.

**By Delegates Canestraro and Miller:**

**H. B. 2173** - “A Bill to amend and reenact §62-1D-6 and §62-1D-9 of the Code of West Virginia, 1931, all relating to allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance

obtained in state court in criminal proceedings both in state courts and federal courts; and providing that certain information that had previously been excluded may now be used for obtaining an arrest warrant or an indictment”; to the Committee on the Judiciary.

**By Delegate Canestraro:**

**H. B. 2174** - “A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended, relating to the placement of juvenile status offenders; providing that a status offender may not be placed in a Division of Juvenile Services facility, unless the status offending child has run away from placement in a staff secure facility; and providing that the court may then order the juvenile placed in a Division of Juvenile Services facility pending further proceeding in the matter”; to the Committee on the Judiciary.

**By Delegates Jennings, Rowan and Fast:**

**H. B. 2175** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-2-406, relating to providing that a religious representative or spiritual assembly, church or religious organization is not required to solemnize a marriage and a spiritual assembly, church or religious organization is not required to allow any building or property of the organization to be used to host a marriage ceremony if the marriage does not conform to the religious representative or spiritual assembly, church or religious organization’s sincerely held religious beliefs, to provide that a religious representative or spiritual assembly, church or religious organization is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to any religious representative or spiritual assembly, church or religious organization for such a denial”; to the Committee on the Judiciary.

**By Delegate Fluharty:**

**H. B. 2176** - “A Bill to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political

parties from registering as lobbyists; and providing an effective date”; to the Committee on the Judiciary.

**By Delegate Fluharty:**

**H. B. 2177** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators”; to the Committee on the Judiciary then Finance.

**By Delegates Fluharty and Canestraro:**

**H. B. 2178** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §29-25A-1, §29-25A-2, §29-25A-3, §29-25A-4, §29-25A-5, §29-25A-6, §29-25A-7, §29-25A-8 and §29-25A-9, all relating to legalizing interactive gaming; providing legislative findings; establishing licensing requirements; limiting licensing to existing gaming facilities; providing that the Lottery Commission regulate interactive gaming; providing operations controls; providing prohibitions and criminal penalties; assessing gaming and licensing fees; incorporating rules and statutes applicable to interactive gaming; and providing a tax and administration of the tax for operation of an interactive gaming license”; to the Committee on the Judiciary then Finance.

**By Delegate Howell:**

**H. B. 2179** - “A Bill to amend and reenact §3-1-9 and §3-1-35 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-5-14a, all relating to procedures permitting voters who have not registered an affiliation with a particular political party to vote in the primary election for that party under certain circumstances; requiring a determination by political parties and notice to the Secretary of State; specifying which ballots may be provided to voters in primary elections; requiring the posting of notices; specifying the form and preparation of lists of eligible parties; providing for assistance to impaired voters; and prohibiting improper influence by poll workers”; to the Committee on the Judiciary.

**By Delegates Fleischauer, Pyles and Rohrbach:**

**H. B. 2180** - "A Bill to amend and reenact §46A-2-122 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-6-101, §46A-6-102 and §46A-6-109 of said code, all relating to the Consumer Credit and Protection Act; and declaring that its provisions apply to residential leases, landlords, tenants and residential rental fees a landlord may charge in a general lease of residential real property"; to the Committee on the Judiciary.

**By Delegates Howell and J. Kelly:**

**H. B. 2181** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-3-3d, relating to prohibiting lobbying by certified candidates for a seat in the West Virginia Legislature"; to the Committee on the Judiciary.

**By Delegates Howell and J. Kelly:**

**H. B. 2182** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-49a, relating to prohibiting certain persons from operating state-owned vehicles; and rulemaking"; to the Committee on the Judiciary.

**By Delegate Shott:**

**H. B. 2183** - "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that driving under the influence of alcohol, controlled substances, or drugs must be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway"; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2184** - "A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played"; to the Committee on the Judiciary then Finance.

**By Delegate Westfall:**

**H. B. 2185** - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal

of animals left unattended in motor vehicles; defining terms, setting forth conditions to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to persons, their employees or agents who retrieve an animal; and providing for criminal penalties”; to the Committee on the Judiciary then Finance.

**By Delegate Foster:**

**H. B. 2186** - “A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative to sign a binding arbitration agreement with an extended care facility operated in conjunction with a hospital, an assisted living facility, a nursing home or their related entities and employees on behalf of an incapacitated person unless the representative’s authority is clearly limited”; to the Committee on the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2187** - “A Bill to amend and reenact §38-12-4 of the Code of West Virginia, 1931, as amended, relating to requiring that lien releases filed with county clerk’s office include the Deed of Trust Book and page numbers where the lien is filed”; to the Committee on the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2188** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-804, relating to nullifying certain adoption orders”; to the Committee on the Judiciary.

**By Delegate Shott:**

**H. B. 2189** - “A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to the disclosure of certain confidential information; establishing additional requirements”; to the Committee on the Judiciary.

**By Delegate Shott:**

**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; requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown”; to the Committee on the Judiciary.

**By Delegates Westfall and Espinosa:**

**H. B. 2191** - “A Bill to amend and reenact §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state’s share of gross terminal income at 50 percent on July 1, 2019”; to the Committee on the Judiciary then Finance.

**By Delegate Cooper:**

**H. B. 2192** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; specifying pawnbrokers requirement to transmit pawn and purchase information electronically to a third-party database; defining terms; providing reportable data through third-party database; providing that pawnbrokers are responsible for establishing and maintaining the database; providing that law-enforcement agencies may be charged for access to the database; providing who may access reportable data through the database; and specifying pawnbroker requirements”; to the Committee on the Judiciary.

**By Delegate Shott:**

**H. B. 2193** - “A Bill to amend and reenact §36-8-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-8-2a, all relating to providing for the specific escheat of United States savings bonds



and all rights and legal title thereto; and defining terms”; to the Committee on the Judiciary.

**By Delegate Pushkin:**

**H. B. 2194** - “A Bill to amend and reenact §15-2C-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-2C-2a; and to amend and reenact §15-2C-3, §15-2C-4 and §15-2C-8 of said code, all relating to creating a domestic violence registry; providing a purpose; directing the Criminal Identification Bureau of the West Virginia State Police to establish and maintain the registry; providing for confidential inquiry of persons on the registry; establishing criteria for placement on and releasing information from the registry; requiring prosecuting attorneys to provide certain information; and defining terms”; to the Committee on the Judiciary then Finance.

**By Delegates Shott and Fast:**

**H. B. 2195** - “A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor’s committee on crime, delinquency and correction; authorizing the commission to seek and utilize funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature”; to the Committee on the Judiciary.

**By Delegate Byrd:**

**H. B. 2196** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to creating a felony penalty of life without mercy for the first degree murder of a law-enforcement officer”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2197** - “A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing the salaries of circuit court judges, family court judges, and magistrates”; to the Committee on the Judiciary then Finance.

**By Delegate Fast:**

**H. B. 2198** - “A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; definitions, and unlawful acts”; to the Committee on the Judiciary.

**By Delegates Cooper and Miller:**

**H. B. 2199** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to requiring pawnbrokers to providing certain information to law-enforcement agencies; providing information through third-party database; and specifying database requirements”; to the Committee on the Judiciary.

**By Delegates Rowan, J. Kelly, Pyles and Rohrbach:**

**H. B. 2200** - “A Bill to amend and reenact §39B-1-102, §39B-1-114 and §39B-1-115 of the Code of West Virginia, 1931, as amended, all relating to prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal; defining undue influence; and prohibiting exoneration of a fiduciary who has exerted undue influence over a principal to the Committee on the Judiciary.

At 1:35 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:45 p.m.

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### **Evening Session**

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 1**, Inviting the Governor to address the Legislature and raising a Joint Assembly therefor.

### **JOINT ASSEMBLY**

The Sergeant-at-Arms then announced members of the Board of Public Works, who were escorted to the places reserved for them.

The Sergeant-at-Arms next announced Chief Justice Beth Walker and Justices of the West Virginia Supreme Court of Appeals, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Speaker recognized the Sergeant-at-Arms, who announced the Honorable Mitch Carmichael, President, and members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to be seated to his right and the other members to be seated in the places reserved for them in the Well of the House.

The Sergeant-at-Arms then announced the special committee to wait upon His Excellency, the Governor, and escort him into the Chamber.

Delegate Storch then announced that, pursuant to the invitation of the Legislature, His Excellency, the Governor, was present for the purpose of addressing the Joint Assembly of the Legislature.

The Committee escorted His Excellency, the Governor, to the Clerk's Desk. (Applause, the members and guests rising in ovation)

The Speaker then presented the Honorable Jim Justice, who addressed the assembly as follows:

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### **Address by the Governor**

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GOVERNOR JUSTICE. Sit, sit, listen. Let's get at this. Thank you, sir. Well, when I was getting wired up out there just a second ago, there was a scene on the practical jokers where we have a ball of wires and they're in a ball and they're trying to get somebody to untangle it, and Marshal and I were fighting with that just a few minutes ago, boy.

But nevertheless, it's great to be here, it's holy ground, sacred ground, and I know just how serious and how big of an impact we have on so, so many.

So let me tell you this: I'm fortunate to report that since the first time I was here, I weigh about the same amount. Now, that's not good news. But I hope tonight I'll have a lot of good news for you.

You know, I know how hard you work. I know how hard it is to serve. I know how much you have to sacrifice from your families and your businesses. And mine the same. And so I've got Cathy, our First Lady, over here, Jill, my daughter, that has a beautiful, beautiful grandson, and our only grandson, J. C.

And her husband Adam's not with us right now, because he's looking after J. C. as he's bouncing off the wall everywhere. And my son Jay. And it — (APPLAUSE), and his wife Catherine's not able to be with us tonight. And right beside Jay is my older son Bray. So — and believe you me, he's a whole lot more to handle than all the rest of them.

But tonight, they've made a little more room for me, and they've given me the opportunity to sit on my stool. Now, I do that lots of places, and I do that because my knees are in really bad shape. Of course, you know that.

And I've had 10,000 surgeries — and I'm exaggerating to make my point, but — and I've still got to have some more. I was just too slow in sports to get out of the way, and so I got hit a lot. And —

But tonight, I'm proud to be sitting and talking to you and not at a podium maybe lecturing to you. And the same is true for all those that are out there watching us on TV right now.

To me, I need to be talking to them as if I were in their living room, or if I were sitting on a log with them in the middle of the woods grouse hunting.

You know, that's what I think the people really, really connect with and really get. Now, I know that it would be impossible for any of us to disagree that the first time you ever saw me, the first time I walked in the door, things were pretty doggone tough.

The first set of books they handed me — you know this, and you know I'm not exaggerating in any shape, form or fashion. But our state was bankrupt. There's no way around it. I mean, when you look at the current year you're in with the \$217,000,000 deficit that you're going to have that year, six months have already elapsed before I walked in the door, and we're saying, we're going to be \$217,000,000 short that year. And the next year, it's gonna be \$497,000,000, and the next year, 600 and some. And in the last year, \$772,000,000.

Now, that's not how bad it's going to be; that's cumulative how bad it's going to be. So yeah, add them all up. And before you know it, you get to a number that is so astronomical, it's not even comprehensible.

Now, anybody would say — anybody would say, "Well, what are we going to do? What are we going to do? How much money do we got in the bank?" And immediately turn to the Rainy Day.

And we say, "Well, we can't take any more money out of Rainy Day, because if we take more money out of Rainy Day, the bonds are already going to be de-rated, and they were. So what are you going to do? What are you going to do?"

And I prayed a lot. A lot. And I truly give the good Lord the credit for all the good ideas, and I'll take the credit for the bad ones. And I've had plenty of credit for the bad ones. And I said, somehow, some way overcome them and work.

But at the end of the day, after we went through everything there was to go through, 23 months later, we're here today, 23 months. Seems like an eternity, but it just seems like it just happened yesterday.

There's been lots and lots and lots of hard work. You've done a lot of great work, you really have. And I could never thank you enough for it. I could never thank you enough for the State, for the people of West Virginia. I do feel like I came up with a dadgum good bunch of ideas, but at the same time, I thank you for your work.

This is not a king or a dictatorship. This is not one. This is a body of people that are all in this together, working for one cause, in my book, and that is for the people of this state.

Now, I'm very proud tonight to say just — when I got here, we had multiple, multiple years - four or five years - of cut budgets. Didn't have anywhere to go. Had to cut. Had to cut to balance the budget.

Well, we haven't had any cut budgets recently, and we're not going to have one today either. Today, we have things that are so good, so pluses. No new taxes. Did you hear that? No new taxes. (APPLAUSE)

In fact, we're going to embark on significant tax cuts. Now, I know there is those out in the never-never land that are wondering, well, how? How can it be? How can you possibly, possibly embark on all of these things that have been introduced or that are floating around out there?

I'm going to tell you tonight. And I'm going to tell you, at the end of the day, you're going to see a budget that is increased less than the rate of inflation, a budget that is increasing significantly less than the — than the economic

growth of our state, and it's going to be able to do all the things that I've told you that we could do.

I challenge you over and over to watch the numbers. We all know on day one that — red, red, red, red. Today, we have an all-time record. Now, I'm telling you, this bothers me. But when you're able to announce to the world - whether it be in the media or social media or all of our friends or whomever it may be, but you're able to announce - that the biggest in the State's history — now, that's pretty damn big to me.

I mean, that's all there is to it. The biggest in the State's history. The biggest in the State's history. For six months, a surplus bigger than we've ever had before. And the largest revenue that we've ever had before in the first six months of collection.

And I tease about Bray all the time. But I'd say if you go back to whenever in West Virginia, even Bray wasn't here then. Now, it's possible, but I'm not sure — we probably should get a birth certificate. But nevertheless, it is really an accomplishment.

No one guy can do this. There's no way. Tonight, I would — I would have said before, make education our centerpiece. You see, I've really been a believer that education is the hot spot that really can change our image.

You know, so many on the outside — you and I know how good it is here in West Virginia, and we know how great our people are here. We know how good our schools are, and we know how low crime we have and all the goodness that we have and the beauty beyond belief.

But the outside world doesn't know it. The outside world, in all honesty, thinks that we're — or maybe thought is the right word, that we're backward, or that we're absolutely naive. I've said it over and over, we had to kill a deer every day in school to feed the kids.

But that's not the way it is. That's not West Virginia. So I said, let's make education our centerpiece. It in itself,

that stake we put in the sand right there, that very stake, has changed a lot of our image.

Now, we decided to make education our centerpiece. I am telling you, in my world, at least, we have made education our centerpiece.

Now, we have decided to invest. We got rid of A through F. We absolutely got rid of so much of the ridiculous testing, and we put control back in the local hands as much as we can.

We absolutely gave a 5 percent teacher's pay raise, and we ended up giving a 5 percent across-the-board pay raise to all State employees. We did change our image. We've still got a long ways to go, but we did change it.

Very proudly tonight, very proudly tonight, I am saying that within my budget, I have included a 5 percent pay raise for all State employees.

In regard to PEIA, PEIA, I promised that we would put \$50,000,000 in PEIA one year, \$50,000,000 the next year, \$100,000,000 total. That was the beginning of the talks.

Then we decided, well, we've got enough surplus dollars, we could put \$100,000,000 into PEIA right now. Now, it's not a —(APPLAUSE) I'm — I'm really only getting started. And that's the good part. The other thing is just this: Through — \$100,000,000 in PEIA is not going to solve PEIA forevermore. But today, PEIA does not need any true-up moneys. Putting \$100,000,000 into PEIA is a giant first step. And we can do that, and that is exactly what we're going to do.

But in addition — in addition, just think about this: Dave Hardy, our Secretary of Revenue and his great disciples, they have found a way that really and truly, we can dedicate not 100 percent of that as required, but only \$105,000,000 will earn us \$150,000,000 that we can dedicate to PEIA today.

So that's not what we're going to do. We're not going to do \$100,000,000; we're going to do \$150,000,000. And



you know what we're going to do? We're not going to take one dime of that from the budgets, the upcoming budgets.

Now — I'll talk about that again in just a second. But — am I messing up here somewhere? My PBS mic's not on. Well, that's good. Let's just take time to fix it.

I'm not in charge of the electronics now. This isn't a shock collar, is it? While we're doing that, I'm going to untangle wires. No, I'm not either. I can't — I can't pull it off.

Okay, are we good? All right, we'll try again. I'm going to start from the beginning.

No, I better not do that, huh? Of course, you know my commitment to education. I love kids. I love — I love what they bring to us every day. I have a great fortune to be with kids in the wintertime, a whole lot. And I just — I think you can learn so much, and they're — it's easy to say that they're a hope, but they are. And they're naive, and they learn so much, and we owe them everything.

You know, tonight, we have with us a teacher, Jada Reeves. She teaches at Brandley Elementary School. Bradley Elementary School — my son Jay and Jill know Bradley Elementary School really, really well, because Mo Ball who's sitting here in the grandstand with us somewhere, Mo Ball took them — Mo Ball was a custodian at Bradley Elementary forever, and he was a basketball coach at the school and did great stuff with — with lots and lots and lots of kids, is my best buddy on the planet.

Now — so Jay and Jill went there many, many, many times working and honing their basketball skills with Mo. But Jada Reeves, a fifth grade teacher from Bradley Elementary School, would please stand up, and we want — let's recognize her as our Teacher of the Year. (APPLAUSE)

Everybody started clapping before I could tell them that you were our Teacher of the Year. Congratulations. They must love you, and so do I. Thank you.

Another individual I'd like to introduce real quickly is Dan Anderson. Dan Anderson leads our charges at

Appalachian Bible School, and what he's done at Mount Olive, he needs a great big round of applause. So wherever Dan is — is he here with us tonight? Please stand, Dan. (APPLAUSE)

Tonight, I'm putting a challenge out to our State Department of Ed. We have to improve our math scores. In 2020 — right now, we've got to get it done very quickly. Right today, we've got to go to work, and we've got to improve our math scores. We've got to do something about absenteeism, and we've got to make West Virginia the first state —

You know, I love to say “first,” I love to say “first.”— the first state to offer computer science class in every high school within our state.

The other thing is, I want them to always be revisiting our state aid formula just to look — just to look at ways or possibilities to always make it better.

I want to urge you to pass into law the ability to raise our math, our science, our foreign language or our special ed teacher salaries in order to be able to be competitive and to attract those people here. (APPLAUSE)

I want you to allow our teachers to be able to bank their leave days. We got away from doing that, but I absolutely believe that it will be beneficial to us, it will surely help in our absenteeism, and it will be beneficial to our teachers. So — (APPLAUSE)

I also want our Promise scholarship to be covered for vocational education.

Now, there's a special project in West Virginia that's been amazingly special. You know, my wife Cathy, she's — she's not involved like a scatter gun in every project known to man, but nobody is kinder, nobody is more directed, nobody is more sincere to communities and schools than Cathy.

My salary — if I didn't do this, she'd kill me. But my salary is all dedicated, 100 percent, to Communities in Schools. Now, Community — (APPLAUSE)

Communities in Schools, I think in West Virginia, really started in Greenbrier County.

Now, there was a lady that brought it there — I think it was Emily Haas if I'm — is that correct, Cathy? And really brought it when Bobby Haas was with the Dallas Cowboys and they moved back — or to Greenbrier County. It is incredibly successful. It is unbelievably successful.

Tonight, you're going to hear a lot of just this: We have got to refocus ourselves on our youth and some way steer them away from this horrible drug epidemic and help them become a work force that we've got to have in West Virginia.

Now, the site coordinators working with kids in Communities in Schools do an unbelievable amount of work in a lot — and they touch kids when they're having troubles, they're having all kinds of issues. A lot of us maybe here don't realize just what they do and just how good they truly are.

In Greenbrier County, I think they have 100 percent graduation rate. And today, we're only in about three or four counties within West Virginia, and we've expanded that since we've been here and since Cathy's gone to work on that.

Tonight, I am calling for \$5,000,000 within my budget to expand Communities in Schools statewide. And I've got a special presentation, because tonight — and I — and forgive me if I mispronounce, but if this gentleman could stand: Dale Erquiaga. Is that close?

Is Dale with us tonight? Up here? If Dale will stand, Dale is the guru of communities in Schools.

And please give him a good round of applause.  
(APPLAUSE)

Now, also I've got one other smaller friend that from time to time — you know, he and I kind of bing off of one another and we enjoy each other's company a little bit, he's a good guy, he's real involved in Communities in Schools, and I think we're going to show — wherever it may be —

over here, we're going to show a little video. (Video playing:)

SHAQUILLE O'NEAL: Communities in Schools is an incredible program doing great work, and I'm glad to hear the sincerity and commitment to Communities in Schools. You know, it's very encouraging when an entire state gets behind a program like this, because it's all about helping one another.

Thank you very much. Governor Jim, you know I love you. (Kisses) (Video ended.) (APPLAUSE)

Shaq is really involved with Communities in Schools and does tremendous work, and he's a great friend, and don't be paying any attention to his kisses and love bit. But what a great, great, great person.

If I could jump from this to Commerce. The Department of Commerce today, we have new leadership. We have Ed Gaunch. Ed — (APPLAUSE)

If I could say this about Ed, he brings — he brings friendship; he brings respect, from you. He brings knowledge. He brings a lifetime of business wealth and experience to the table, and he's going to really help us.

I say this real quick: Don't think for a second that the China issue is off the table or the natural gas hub is gone. Today, like it or not like it, but we're still having a little bit of head-butting going on with the U.S. and China, and until the dust settles, you know, between our Presidents and everything, we're probably going to have a little head-butting going on, but they're still in touch all the time.

There's absolutely so much interest in West Virginia. We have so many possibilities for manufacturing and natural gas hub and expansion of our coal industry and on and on and on, tourism through the roof, and so many different things, that we need a great man like Ed - and we've got him - and I'm really proud to have him.

Tonight I'd like to introduce one other person, Phil Dickinson. Now, Phil is here representing the British ambassador, and the British ambassador came just not long ago, and he's got all kinds of ideas and possibilities and

things that they could bring to us right here from Europe, from England, and do great, great stuff as well.

So wherever Phil is, if Phil would stand. Good to have you, Phil. (APPLAUSE)

Okay, if I could jump from there to tourism. And tourism is another wonderfully bright spot in West Virginia. Wherever Chelsea Ruby is, I'd like her to stand. Is she — where's Chelsea? Chelsea, great job. Great, great job. Unbelievable job.

I mean, think about this — (APPLAUSE)

I think that we could clearly say that in 2017, we had unbelievable growth. We greatly surpassed the natural growth. In 2018, it looks even stronger and stronger. Our hotel occupancy is up 11 percent. You know, our increased prices in revenue in our hotels is up 13.4 percent, and I will be asking you for another \$14,000,000, because every dollar we put in tourism comes flooding back to us. It's a multiplier effect.

It's just absolutely a cash register. We put the money in, it comes flying right back at us. We seeing this every month in our surpluses. This is the state that ought to be the number one state in the nation as far as tourism, and that young lady is doing one whale of a job. Thank you, again, Chelsea. (APPLAUSE)

Now I've got to report real quickly about our state parks. We sold \$60,000,000 of excess lottery bonds to upgrade our state parks. We have absolutely been doing that. That's all underway right now.

You know, we're getting a tremendous response with our state parks, and there's just lots and lots of good going on there.

As far as our DNR efforts we've made, you know, we have reestablished an Elk herd in West Virginia; we're extending deer seasons. We're doing so many things with our trout and our streams, and we're exposing this state in so many ways, it's unbelievable.

But now, let me just tell you one other thing that can be done. Now, a lot of people look at me like a three-headed monster when I told you things and you thought, no way, no way, coal severance tax aren't going to come back, this or that or whatever it may be.

But I am telling you today, Austin Caperton, who is a leader beyond belief, is not with us today right now because he has been under the weather and he's had some surgery, and Austin will be back soon. We miss him.

You talk about a super star. Now, he is a flat-out super star. But here's what I am going to ask Austin to do tomorrow, and that is just this: It's something that we need so badly within West Virginia, it's unbelievable.

We need to develop multiple lakes within West Virginia, multiple lakes that can give us hydroelectric power — which maybe we don't need, but at the same time, they can give us flood control.

We need the ability to develop those lakes. Do you know if you step back and think about it, four of the most beautiful seasons in the world, the most incredible people on the planet, the most unbelievable natural resources, and we're located within 600 miles of two-thirds of the people in the country. The only thing we don't have is an ocean.

Now, I am telling you, our state needs more developable lakes. It is a project that you may think is a pipe dream, but I am telling you, without any doubt, there is an infrastructure program about to be announced by our President, and we need to be at the line waiting. Austin Caperton will lead the charge for us.

Now, if I could switch to that — from there to roads. Our Roads to Prosperity program, no one can deny, it's absolutely been a knock-it-out-of-the-park, home run, grand slam, grand slam. It's created all kinds of new jobs. Absolutely, it's working. It's working in every way.

We salute all the great people that made the licks and made it all work and made it all happen.

Before I get into the last component of this, I'll say to the people out there in the world, the tolls on the turnpike

are going to change to \$4.00 in a couple of days, and we have pleaded with you, pleaded with you, to buy your E-Z passes that are going to cost you almost next to nothing.

Now, the idea that Mountaineers — now, others out of state can go too, but Mountaineers should go free. And that's as close to free as we will ever be able to get. You've got to go buy your E-Z Pass. We cannot make the horse drink, but we can take it to water, and we've taken you to water, so you have to go apply and buy your E-Z pass.

Now, we've got a terrible backlog with the E-Z Pass situation, and we almost caused the dog mess of all times. We could have been out there at the toll booths, you know, on January 1st writing people notes and saying, "Well, you can go," "You can't go."

Before you know it, we'd have had traffic backed up to Pittsburgh. We figured it out and we got caught up, and we've had umpteen, umpteen people that put in all kinds of licks to get caught up.

You know, my office, Parkways, everybody in the world, and we are caught up. So please, if you have not applied, apply.

Now, back to our roads just a second. We've done — I don't know how many, but it's hundreds of projects already. Here's the very thing, though, that we need to do: We've got to shift a little bit of the focus — and we have had extensive discussions with the bond holders and everything else, that we can do this.

We've got to pull some of the money out of the bigger projects and move some of the money — or significantly more money. Not more than all the big projects, but a little bit of additional moneys over to fix more of our secondary roads. (APPLAUSE)

I'm glad to see you all get up. I thought you were going to sleep. Okay. If I could have General Hoyer stand, if where — where is General Hoyer. (APPLAUSE)

Okay, we're going to all stand again for this man. General, all I can say, for all of us and all of us as West Virginians, all of those as Americans, you talk about us

having a super star in our midst, we all thank you. We all applaud you.

You know, I think of so many things, whether it be RISE or whether it be just the — just the fact that he's ready at any moment to lay his life down for all of us, absolutely this man and what he's done is unbelievable.

You think about — the Guard has brought in 300 jobs in the last year future — or near past, and it's created an economic impact on the State of West Virginia of 361,000,000.

A lot of times, that goes unnoticed. But in addition to all that, think about the Mountaineer Challenge Academy. Think about young men and women that are just absolutely lost, lost. Last year, they're going to have above a 90 percent graduation rate. And those people are on their way.

You know, so General, again, we all thank you in every way possible.

If I could speak of the RISE program just real quickly. We got a little bit diverted. And the reason we got diverted is one thing. And I'll talk a little bit about this in just a second. But you see, I came here, and I have never wanted a dime. Not a dime. I drive myself, put my own gas in. I don't want a dime.

Absolutely now, it's tough to step up like that. Some people can't. But at the same time, when we get off track and it seems to me like that government is throwing away money or people are taking advantage or there's improprieties that look absolutely wrong, I'm going to be tough to deal with. That's all there is to it.

And we got going in a direction that we would have thrown away millions and millions and millions of dollars. We had to stop for a minute or two. And the General came to the rescue and stepped in.

And tonight we have John and Grace Harris with us, and they are the first — first stick-built home occupiers that we have now finished their home, and if they would stand, I'd love for you to give them an incredible round of applause. (APPLAUSE)



There's lots more to do. And the General's all over it, and there's lots and lots and lots more to do. There's dollars — there's significant dollars out there that are at our fingertips, and we may be — we may not be — we may not have to have all the dollars for the flood victims, and we may be able to redirect some of the dollars and the economic recovery or redirect some of the dollars into something that I feel is a real pet peeve, and that is just this:

You have a Senator in your midst tonight, a good man, that has been after this project for a long time, and that is some way tearing down these abandoned homes and abandoned buildings that scatter all over our state and clutter us in every way. And so we're going to try to redirect some of those dollars and do just exactly that.

Now, let me jump to the veterans. Our veterans, we owe all to. We all know that. We are able to exempt their retirement. Good stuff. There's a few other things that we're able to do right now that you'll see in the budget, good stuff.

But I can tell you just this: For any of us here that think that we don't owe every single thing that we have to our vets, we're just plain wrong.

Dennis is here tonight. If Dennis would stand, let's give him a big round of applause. (APPLAUSE)

Okay, so we've done a bunch of stuff. You see my hand? My hand's got four fingers and a thumb. And sometimes your thumb can get in a lot of ways, get caught in a door or whatever it may be. But these fingers, if they were to represent our economy, education, our veterans and our roads, we've done pretty good on those four fingers.

But every time we jam our hand in a glove, we hook our thumb, and it just won't go just right. We keep just messing up and messing up and messing up.

What's the last component? Now, there's lots and lots and lots of stuff still to do. But what's the last component? We've got to fix the drug problem. We have to fix the drug problem. We have to be committed enough to fix something that is absolutely cannibalizing us.

Now, in Cabell County, we just had information that we reduced our overdoses by 40 percent. Marshall University, we started a Governor's Council on Substance Abuse Prevention. We have done lots of stuff, and we're making headway.

The very number one thing you had to have to get the drug problem halfway under control is jobs. But you know what? We're losing the battle. We're losing.

Now, if you don't know that we're losing, get out there in the field and look and talk to people. We're losing. So I'm going to ask you tonight to trust me. I'm going to propose a program to you right now, and I'm going to ask for your trust.

You see, I would say to you just this: What would you do — what would you do if you were in a baseball game or a softball game — what would you do if the count was 3-2? What would you do if the bases were loaded? The other team was at bat and your team was one run ahead. The bases are loaded. The other team's at bat. There's two outs. The count's 3-2.

You're on second base. You're in right field. You're standing there pounding your glove, and you're saying — as the pitch is on the way, are you saying, "Please, Lord, don't let them hit me the because I'll muck it up."

Or are you hitting your glove and saying, "Please, Lord, have them hit me the ball. I'll make the play. I'll make the play. I want the ball."

Well, you see, right now, I'm going to ask you for the ball. Now, I'm going to call this "Jim's Dream," because I want it to be just that. I want it to be a dream that we can take our people off this terrible trail of terrible — terrible drug trail, and we can put them in a job, and we can give them real live hope.

I'm going to tell you it's going to take some money to do this. Not all the money in the world. But let me just tell you — and there's so many — there's going to be so many opinions of what it — how we ought to do this. This is the most important thing that I'll talk to you about tonight.

You know, there's going to be opinions, "Well, we can do it at the community college," "We can do it at the four-year schools," "We can do it through the vo-tech," "We can do it through education," we can do it through this, we can do it through that.

But I'm going to tell us just this: Just give me a chance. Just give me a chance to fix it. You know, I can get it done. I want the ball.

So if Rebecca will unveil this. The "J" is going to stand for "jobs." The "I" is going to be "in." The "M" is going to be "making." And the little apostrophe is upside down, and we twisted it around to make a "U." "Succeed."

Now, looks a little funny, doesn't it? But it looks pretty much like I'd probably write. But here's what I think we need to do: I think our best alternative today is the adult training — or the adult learning educations in the education department. The problem is just this — and here's the problem: Nobody's really going today. The reason nobody's really going is not because it's not a good program, it is because - and I don't know how to speak of this any way but folksy, like you've heard me speak - it's not the real deal. It's not real training that they can go get a real job. But what I'm going to ask you for is \$5,000,000. \$5,000,000 to put into prevention.

I'm going to ask you for \$10,000,000 to put into DHHR into treatment. I'm going to ask you for \$10,000,000 for staffing and replacement and maintenance of equipment at the training centers, at the vo-tech centers.

And then I'm going to ask you that if I — if I'm an addict, and I go to treatment and I get better and then I go into some level of training and I get a certificate, that you will be able — I will be able to take that to a court and get immediate expungement of a misdemeanor that I have. Not felonies, but a misdemeanor. (APPLAUSE)

I want to tell you one more time how it's going to work. Through the surpluses that we have today, I want to take \$20,000,000 out of those surpluses, through an appropriation, \$20,000,000 out of their surpluses, and buy all the necessary equipment that I'm going to have to have

at all of these centers to be able to do the level of training that I think needs to be done.

Now, think about it. You can't go learn how to drive a pickup truck and go to a surface mine job and tell them you can drive a 777 rock truck.

You can't go to somewhere and learn how to tack weld and go to a — you know, to an industrial site and say you're an industrial welder. These people can't get jobs. Let's just tell it like it is. They can't get jobs.

And if we lay — if we lay the burden on our continue — on our ongoing budget, we lay a burden on that we say we need \$50,000,000 ongoing to be able to perpetuate a program like this, we don't need that. We don't need that.

It's time to start to be able to have the equipment onsite to be able to teach the welding, to teach the electrician stuff, to teach the heavy equipment operation, to teach and build our work force.

You know, I heard it 10,000 times. I don't know how to say it any better. Companies all over the place come in my office and they talk and they talk and they talk and then they say, "Well, you don't have a qualified work force here. I don't know how in the world we can come here."

The other thing: "You've got people who can't pass a drug test." I say, why don't we train them? Why don't we train people to do something? Why aren't we training people? Why don't we absolutely, some way, somehow, let our people that are struggling on drugs beyond belief go get treatment and go get treatment for free, provided that they'll come out of treatment and go into some level of training and provided they'll take constant drug tests? Why don't we absolutely train our work force and give those people hope?

I don't get it. Now, we have too many ideas, too many ideas. Let me fail. Let me fail. Give me the ball. Just let me fail. Absolutely, I promise you, I'll run across the finish line, and I won't fail.

Our State Police had our first cadet class not long ago. We just started on Monday our second cadet class. They

need a few dollars to update the forensic lab, and I've got that in the budget. (APPLAUSE)

Child welfare is a real issue. Of course, everyone knows my commitment and how I feel about kids. Foster care, we're really upside down, and we've got to figure out the foster care crisis, and I'm going to challenge all of you all to bring me — bring me solutions. Bring me answers of what we can do.

I want to begin immediately — I want to take \$10,000,000 directly out of the surplus moneys that we have now, and I've got \$5,000,000 in the budget to immediately build back the Anthony Correctional Center. We need it built back.

As far as medical cannabis, we need to solve the riddle, guys. We're running out of time. There's a lot of people out there that are hurting, and they could probably very well use medical cannabis.

I want everyone here to understand — (APPLAUSE) I want everyone here to understand this and understand me loud and clear. I am adamantly, adamantly, etched in stone, adamantly against recreational marijuana.

Today — and this is the fun stuff. Today, I'm requesting the elimination of the business inventory machinery tax. (APPLAUSE)

Since the first day I came, I'm a business guy. I haven't changed. I'll tell you the truth. I'll tell you what I think. I think — and I make mistakes. I'm a business guy.

I know that wherever we can, we look for — and we found waste upon waste upon waste that we've been able to cut out. We found ways to streamline government, and now today, we can streamline even more.

We have found 2007 jobs in government today that have not been filled in the last year. They have been vacant for a year, and we want to eliminate them all.

Now, I don't mean this in any way to sound like a tough guy or whatever, but I meant it when I said that as far as — I've done this job for nothing. And if you're going

to do something for nothing and put your heart in it, you're not going to stand back and stand there comfortably with your buddies and your friends wasting money and just have everybody on the dole and think it's okay. It's not okay.

And whenever I can find it, I'm going to uncover it. And when I uncover it, I'm going to try to do something about it.

Tonight, we have another special person with us. She's with the AARP. Her name is Gaylene Miller. And if Gaylene could stand, wherever Gaylene is. (APPLAUSE)

And Gaylene, don't sit back down, Gaylene. Stand, if you would, just for one second. Because together, you and I and all this great body — I have sent up, and now today — today is the time for us to eliminate the tax on Social Security. (APPLAUSE) Okay. Let me just say this, that what we're going to do in regard to Social Security is two things. We're going to give you a choice. If you want the \$8,000 deduction, you can keep that. You can't keep — have them both. If you don't want that and you want totally exempt on your Social Security from State income tax, you've got that. Your choice.

It's time to create an Intermediate Court of Appeals in West Virginia. It's another step forward to instill — to restoring honor and integrity back to the court system.

I've just got a couple more, and I'll go quickly. Not long ago, our mine rescue teams, they brought three people out of a mine, and all of us know that without any question, they had no business being in the mine.

All of us know that maybe we just need to stiffen our laws even more to make it more of a deterrent for them to go. I'm all for that. I am 100 percent for that.

But I would tell you just this: They're our brothers and our sisters. They were in there. And just think, the mine rescuers — I said, "Can you tell me — can you tell me they're not there? Can you tell me that it's unsafe to go and try again?"

And they said, “We can’t tell you that. But we feel like that it’s not — it’s not unsafe, and we could go, but we don’t think that they’re alive,” or “We really don’t think that they’re there.”

But they weren’t willing to quit, and neither was I. And lo and behold, we brought them out of here. Your brothers. Your sisters. They shouldn’t have been there in the first place.

But just think: What if we had not gone back? What would have happened to those people? And if you can live with this — I can’t. We went back and we did exactly what my dad always said to do: “Damn you, there’s always something you can do, and you better damn well always remember that.”

We went back, and we found them. If we hadn’t have gone back, you know what we would have done? We would have taken a D11 bulldozer and we would have pushed dirt against the mine opening so tight that there’s no way somebody could get into the mine. And what would have happened to those people?

They had water; they had air. They would have set there until they starved to death. Starved to death. That’s what would have happened to them.

We found them. They shouldn’t have been there. We should make the laws tougher, but we should celebrate that West Virginians found them. I couldn’t be any more proud. (APPLAUSE) Now, I’ll end by just telling you this: There’s a guy not long ago, he set in my office and he said, “What about this job keeps you up? What about this job keeps you up at night?”

Well, I’ll surprise you when I tell you this: What keeps me up is just this: Too many people out there, too many people out there still haven’t heard the news. Too many of our people, no question, are still hurting. But too many of our people believe still that they really just should be 50th and stay 50th.

By God, you should know your place. Too many of our people need to hear the good things that we're doing. Too many of our people need to pull the rope all together with us. They want to be — they want to feel good. They want to feel joy in what they do.

Now, let me tell you just this, and this is all there is to it: I came to you again wanting nothing; I came to you just as a man that had incredible experience, a man who's probably made so many mistakes, maybe as many mistakes as there is in this room, and I've learned from them.

I've done all kinds of stuff. You learn. I've got a tremendous amount of wisdom, and absolutely, I would challenge every single person here to know that all I want to do is help. All I want to do is try to do all the good that can be done for our people, and whether I'm here on this planet two more days or with you two more years or with you six more years, I would say "Use me. I'm a resource that can be used, and I'm a resource that can help."

Now, I think big. I think create — with a lot of creativity. Absolutely, look at my track record. I'm not going to let you down. I'm absolutely not going to let you down.

So at the end of the day — I've said this over and over and over. I meant it when I came here and said everything that I just got through telling you. I meant it when I said over and over and over that all I've ever really wanted for this state is goodness and its people. That's all I want.

And I meant it when I said to the people, and I've said to you, that I love you. And I do.

So with that, I'd say God bless you, and thank you again for having me, and let's get to work and do great work. Thank you all. (APPLAUSE)

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The committee to wait upon His Excellency, the Governor then escorted the Governor from the Chamber.



The business of the Joint assembly having been completed, the Speaker declared the Joint Assembly dissolved.

The Sergeant-at-Arms escorted the invited guests from the Chamber.

The members of the Senate retired from the Chamber.

The Speaker then called the House of Delegates to order and laid the following communication from His Excellency, the Governor before the House:

State of West Virginia  
OFFICE OF THE GOVERNOR  
Charleston, WV 25305

January 9, 2019

**Executive Message No. 1**

The Honorable Roger Hanshaw, Speaker  
West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2019.

Sincerely,

Jim Justice,  
*Governor.*

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, the Speaker introduced the following bill, which was read by its title and referred to the Committee on Finance:

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

**H. B. 2020** – “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

At 8:08 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 11:00 a.m., Thursday, January 10, 2019.

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Thursday, January 10, 2019

**SECOND DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 9, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Messages from the Executive  
and other Communications**

**Legislative Rule-Making Review Committee Report**

The following letter and report from Delegate Sobonya and Senator Maynard, cochairs of the Legislative Rule-Making Review Committee, have been filed with the Clerk:

West Virginia Legislature  
Legislative Rule-Making Review Committee

December 14, 2018

The Honorable Bruce Cassis  
Clerk, West Virginia Senate  
State Capitol  
Charleston, WV 25305

The Honorable Steve Harrison  
Clerk, West Virginia House of Delegates  
State Capitol  
Charleston, WV 25305

Gentlemen:

In accordance with the provisions of W.Va. Code, §29A-3-12, we have attached copies of the proposed legislative rules which have been submitted to and acted upon by the Legislative Rule-Making Review Committee, pursuant to the provisions of W.Va. Code, §29A-3-11, and which have not previously been submitted to the Legislature for study.

Also, attached is a report listing the proposed legislative rules considered by the Committee, and setting forth the recommendations of the Committee with respect to the proposed legislative rules. This letter also serves as a statement that a separate bill authorizing the promulgation of each proposed legislative rule has been drafted by the staff of the Legislative Rule-Making Review Committee.

In accordance with W.Va. Code, §29A-3-11, the draft bills are available for any member to introduce to the Legislature. The undersigned, as Co-Chairmen of the Legislative Rule-Making Review Committee, are requesting that Senator Maynard's name be placed on the draft bills as the sponsor in the Senate, and Delegate Sobonya's, name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Mark Maynard,  
*Senate.*

Kelli Sobonya,  
*House of Delegates.*

December 14, 2018

West Virginia Legislature  
State Capitol  
Charleston, West Virginia

Ladies and Gentlemen:

In accordance with the provisions of West Virginia Code, §29A-3-12, as chairpersons of the Legislative Rule-Making Review Committee we submit this report of its activities. A bill, in the form approved by the Committee, authorizing each of the proposed legislative rules below as submitted, as modified, as modified and amended, or as amended have been drafted by staff of the Legislative Rule-Making Review Committee pursuant to West Virginia Code §29A-3-11.

**The Committee submits the following proposed rules to the Legislature with the recommendation that the proposed rules be authorized for promulgation by the respective agencies as submitted:**

Administration, Department of  
Purchasing Division, 148 CSR 1 [H. B. 2231]

Agriculture, Department of  
Farm to Food Bank Tax Credit, 61 CSR 36 [H. B. 2232]

DEP – Air Quality Board  
Ambient Air Quality Standards, 45 CSR 8 [H. B. 2233]

DEP - Air Quality Board  
Standards of Performance for New Stationary Sources, 45  
CSR 16 [H. B. 2234]

DEP - Air Quality Board  
Control of Air Pollution from Hazardous Waste Treatment,  
Storage and Disposal Facilities, 45 CSR 25 [H. B. 2235]

DEP - Air Quality Board  
Emission Standards for Hazardous Air Pollutants, 45 CSR  
34 [H. B. 2236]

DEP – Air Quality Board  
Requirements for Determining Conformity of Transportation  
Plans, Programs, and Projects Developed, Funded, or  
Approved under Title 23 U.S.C. or the Federal Transit Laws,

to Applicable Air Quality Implementation Plans (Transportation Conformity), 45 CSR 36 [H. B. 2237]

DEP – Air Quality Board

Provisions for Determination of Compliance with Air Quality Management Rules, 45 CSR 38 [H. B. 2238]

DEP – Air Quality Board

Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions, 45 CSR 43 [H. B. 2239]

Fire Commission

State Building Code, 87 CSR 4 [H. B. 2240]

Health and Human Resources, Department of

Newborn Screening System, 64 CSR 91 [H. B. 2241]

Health and Human Resources, Department of

Chronic Pain Management Clinic Licensure, 69 CSR 8 [H. B. 2242]

Health and Human Resources, Department of

Collection and Exchange of Data Related to Overdoes, 69 CSR 14 [H. B. 2243]

Health Care Authority

Cooperative Agreement Approval and Compliance, 65 CSR 6 [H. B. 2244]

Highways, Division of

Employment Procedures, 157 CSR 12 [H. B. 2245]

Labor, Division of

Wage Payment and Collection, 42 CSR 5 [H. B. 2246]

Labor, Division of

Regulation of Heating, Ventilating, and Cooling Work, 42 CSR 34 [H. B. 2247]

Medicine, Board of

Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons, 11 CSR 1A [H. B. 2248]

Medicine, Board of

Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents, and Fellows, 11 CSR 12 [H. B. 2249]

Miner's Health Safety and Training, Office of

Rules Governing the Safety of Those Employed in and Around Surface Mines in West Virginia, 56 CSR 3 [H. B. 2250]

Miner's Health Safety and Training, Office of

Rules Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia, 56 CSR 8 [H. B. 2251]

Miner's Health Safety and Training, Office of

Rule for Operating Diesel Equipment in Underground Mines in West Virginia, 56 CSR 23 [H. B. 2252]

Osteopathic Medicine, Board of

Licensing Procedures for Osteopathic Physicians, 24 CSR 1 [H. B. 2253]

Pharmacy, Board of

Licensure and Practice of Pharmacist Care, 15 CSR 1 [H. B. 2254]

Pharmacy, Board of

Board of Pharmacy Rules for Registration of Pharmacy Technicians, 15 CSR 7 [H. B. 2255]

Pharmacy, Board of

Regulations Governing Pharmacy Permits, 15 CSR 15 [H. B. 2256]

Pharmacy, Board of

Regulations Governing Pharmacists, 15 CSR 16 [H. B. 2257]

Registered Professional Nurses

Advanced Practice Registered Nurse, 19 CSR 7 [H. B. 2258]

Secretary of State

Filing and Formatting Rules and Related Documents and Other Documents for Publication in the State Register, 153 CSR 6 [H. B. 2259]

Secretary of State

Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades, 153 CSR 10 [H. B. 2260]

Secretary of State

Early Voting In-Person Satellite Precincts, 153 CSR 13 [H. B. 2261]

Secretary of State

Notaries Public, 153 CSR 46 [H. B. 2262]

Social Work Examiners, Board of

Code of Ethics, 25 CSR 7 [H. B. 2263]

Tax Department

Aircraft Operated under a Fractional Ownership Program, 110 CSR 15K [H. B. 2264]

Tax Department

Citizen Tax Credit for Property Taxes Paid, 110 CSR 21B [H. B. 2265]

Tax Department

Administration of Tax on Purchases of Wine and Liquor, 110 CSR 49 [H. B. 2266]



## Tax Department

Exchange of Information Agreement Between Tax Division and Division of Environmental Protection, 110 CSR 50A [H. B. 2267]

## Tax Department

Exchange of Information Agreement Between the State Tax Division and the Alcohol Beverage Control Administration, 110 CSR 50B [H. B. 2268]

## Tax Department

Exchange of Information Pursuant to Written Agreement, 110 CSR 50C [H. B. 2269]

## Tax Department

Exchange of Information Agreement Between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs and the Office of the Governor, 110 CSR 50D [H. B. 2270]

## Tax Department

Exchange of Information Agreement Between the State Tax Department and the West Virginia Lottery, 110 CSR 50E [H. B. 2271]

## Tax Department

Exchange of Information Agreement Between the State Tax Department and the Office of the State Fire Marshal, 110 CSR 50F [H. B. 2272]

**The Committee submits to the Legislature the following proposed rules which were modified by the agency in accordance with the provisions of West Virginia Code, '29A-3-14, and which were approved by the Committee with the modifications with the recommendation that the proposed rules be authorized for adoption by the respective agencies as modified:**

- Administration, Department of  
State Owned Vehicles, 148 CSR 3 [H. B. 2273]
- Administration, Department of  
Leasing of Space and Acquisition of Real Property on  
Behalf of State Spending Units, 148 CSR 19 [H. B. 2274]
- Agriculture, Department of  
Animal Disease Control, 61 CSR 1 [H. B. 2275]
- Agriculture, Department of  
Industrial Hemp, 61 CSR 29 [H. B. 2276]
- Agriculture, Department of  
Rural Rehabilitation Loan Program, 61 CSR 33 [H. B.  
2277]
- Agriculture, Department of  
Captive Cervid Farming, 61 CSR 34 [H. B. 2278]
- Agriculture, Department of  
Agritourism, 61 CSR 37 [H. B. 2279]
- Agriculture, Department of  
Farmers Market, 61 CSR 38 [H. B. 2280]
- Agriculture, Department of  
Seed Certification Program, 61 CSR 39 [H. B. 2281]
- Athletic Commission  
Administrative Rules of the WV State Athletic  
Commission, 177 CSR 1 [H. B. 2282]
- DEP – Water and Waste Management  
Requirements Governing Water Quality Standards, 47  
CSR 2 [H. B. 2283]
- Dietitians, Board of  
Licensure and Renewal Requirements, 31 CSR 1 [H. B.  
2284]

## Health and Human Resources

Behavioral Health Centers Licensure, 64 CSR 11 [H. B. 2285]

## Health and Human Resources

Assisted Living Residencies, 64 CSR 14 [H. B. 2286]

## Health and Human Resources

Food Establishments, 64 CSR 17 [H. B. 2287]

## Health and Human Resources

Food Manufacturing Facilities, 64 CSR 43 [H. B. 2288]

## Health and Human Resources, Department of

Medication-Assisted Treatment-Office-Based Medication-Assisted Treatment, 69 CSR 12 [H. B. 2289]

## Labor, Division of

Child Labor, 42 CSR 9 [H. B. 2290]

## Lottery Commission

West Virginia Lottery Sports Wagering Rule, 179 CSR 9 [H. B. 2291]

## Natural Resources, Division of

Commercial Whitewater Outfitters, 58 CSR 12 [H. B. 2292]

## Natural Resources, Division of

Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV and ORVs, 58 CSR 36 [H. B. 2293]

## Pharmacy, Board of

Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals, 15 CSR 17 [H. B. 2294]

## Racing Commission

Thoroughbred Racing, 178 CSR 1 [H. B. 2295]

## Real Estate Appraiser Licensing and Certification Board

Requirements for Licensure and Certification, 190 CSR 2 [H. B. 2296]

Registered Professional Nurses  
Policies, Standards and Criteria for the Evaluation,  
Approval and Accreditation of Colleges, Departments or  
Schools of Nursing, 19 CSR 1 [H. B. 2297]

Registered Professional Nurses  
Requirements for Registration and Licensure and Conduct  
Constituting Professional Misconduct, 19 CSR 3 [H. B.  
2298]

Registered Professional Nurses  
Standards for Scope of Professional Nursing Practice, 19  
CSR 10 [H. B. 2299]

Registered Professional Nurses  
Fees for Services Rendered by the Board and Supplemental  
Renewal Fee for the Center for Nursing, 19 CSR 12 [H. B.  
2300]

Registered Professional Nurses  
Dialysis Technicians, 19 CSR 13 [H. B. 2301]

Social Work Examiners, Board of  
Qualifications for the Profession of Social Work, 25 CSR  
1 [H. B. 2302]

Tax Department  
Payment of Taxes by Electronic Funds Transfer, 110 CSR  
10F [H. B. 2303]

Treasurer  
Reporting and Claiming Unknown and Unlocatable Interest  
Owners Reserved Interests, 112 CSR 16 [H. B. 2304]

### **Bills Introduced**

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

#### **By Delegate Sponaugle:**

**H. B. 2201** - "A Bill to amend and reenact §11-21-16 of the  
Code of West Virginia, 1931, as amended, relating to personal  
income taxes; and making the personal exemptions for purposes of

West Virginia's personal income tax the same as allowed for federal income tax purposes"; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 2202** - "A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to net metering; modifying method for determining rebate or discounts to customers; and requiring compliance with certain national codes"; to the Committee on Energy then the Judiciary.

**By Delegate Foster:**

**H. B. 2203** - "A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19, and §30-41-20, all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article"; to the Committee on Government Organization then the Judiciary.

**By Delegates Foster and Fast:**

**H. B. 2204** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director and appointed board members of each board may lobby on behalf of the board”; to the Committee on Government Organization then the Judiciary.

**By Delegates Rowan and J. Kelly:**

**H. B. 2205** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children’s expressive and receptive language acquisition and developmental stages toward English literacy”; to the Committee on Education.

**By Delegates Westfall and Rohrbach:**

**H. B. 2206** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care”; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegate Cooper:**

**H. B. 2207** - “A Bill to amend and reenact §17E-1-18 of the Code of West Virginia, 1931, as amended, relating to commercial driver’s license; and requiring that a state employee with a commercial driver’s license have a current medical evaluation certification and may not have a medical waiver”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2208** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing certain members of volunteer fire departments and rescue squads a \$5,000 modification reducing federal adjusted gross income for personal income tax purposes”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Howell, Shott and Foster:**

**H. B. 2209** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

**By Delegates Howell and Rohrbach:**

**H. B. 2210** - “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 Delegate Wilson:**

**H. B. 2211** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5 and §6-9C-6, all relating to creating and maintaining a searchable online budget database to easily access the details on how the state is spending tax dollars and what performance results are achieved for those expenditures; designating this as the ‘Budget and Spending Transparency Act’; providing a short title, legislative findings, definitions, content requirements and updates; and compliance by the State Tax Department”; to the Committee on Government Organization then Finance.

**By Delegates Fast and Rowan:**

**H. B. 2212** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit results of drug test to Chief Judge in each jurisdiction; requiring that bail bondsman and bail bond enforcers be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate Wilson:**

**H. B. 2213** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-27, relating to establishing the ‘Mountain State Employee Compensation Realignment Act’; providing a sunset provision for the Public Employees Insurance Agency; and transferring all responsibilities after the expiration of the Public Employees Insurance Agency to the Insurance Commissioner”; to the Committee on Finance.

**By Delegates Rohrbach and Pyles:**

**H. B. 2214** - “A Bill to amend and reenact §17B-2-6 and §17B-2-12a of the Code of West Virginia, 1931, as amended, all relating to requiring applicants for new and renewed drivers’ licenses to be asked if they desire to be organ donors”; to the Committee on Technology and Infrastructure then Health and Human Resources.

**By Delegates Sypolt and Rowan:**

**H. B. 2215** - “A Bill to amend and reenact §16-4-20 of the Code of West Virginia, 1931, as amended, relating to making it a felony to knowingly expose another individual to HIV without his or her informed consent; establishing criminal penalties; and imposing civil liability”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fast:**

**H. B. 2216** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-6-7, relating to defining the term ‘minor boundary adjustment’ as it applies to municipal annexations”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Fast:**

**H. B. 2217** - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special elections to be held on the days and hours of general, primary or state-wide elections”; to the Committee on Political Subdivisions then the Judiciary.



**By Delegate Fast:**

**H. B. 2218** - “A Bill to amend and reenact §61-8D-1 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the definitions of child abuse and neglect to exclude accidents”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegates Byrd and Shott:**

**H. B. 2219** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-1c, relating to authorizing certain motor vehicle manufacturers to operate as new car dealers”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Criss, Pack and Rowan:**

**H. B. 2220** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting percentages of social security benefits from personal income tax for certain taxpayers beginning after specified date; and increasing to 100 percent the percentage of social security benefits to which exemption applies for those certain taxpayers over three-year period”; to the Committee on Finance.

**By Delegate Barrett:**

**H. B. 2221** - “A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to reducing the cost of the fee for a state license to carry a concealed weapon”; to the Committee on Finance.

**By Delegates Barrett and Canestraro:**

**H. B. 2222** - “A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring the Insurance Commissioner to regulate professional bondsmen”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Pushkin:**

**H. B. 2223** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to recognizing those in active military service as residents for the purpose of obtaining

concealed permits to licenses while stationed at a West Virginia military installation”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Hornbuckle, Rowan and Longstreth:**

**H. B. 2224** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §16-5a-6; to amend said code by adding thereto a new section, designated §33-15-4s; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3dd; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7s; to amend said code by adding thereto a new section, designated §33-25-8p; and to amend said code by adding thereto a new section, designated §33-25A-8s, all relating to insurance coverage for breast cancer screening”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Byrd:**

**H. B. 2225** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to providing a tax credit for first time home buyers; establishing eligibility criteria; setting a maximum credit; and excluding certain homes”; to the Committee on Finance.

**By Delegate Byrd:**

**H. B. 2226** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid, for personal income tax purposes”; to the Committee on Education then Finance.

**By Delegates Rowan and Rohrbach:**

**H. B. 2227** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, and §16-56-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain

circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; requiring the Department of Health and Human Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Shott:**

**H. B. 2228** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, and §11-28-8, all relating to allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants; providing for county and municipality options; limiting the total tax to three percent; limiting a municipal tax to two percent; setting forth the procedures for counties or municipalities to use to impose the tax; requiring publication; setting forth how the collected tax may be used; setting forth apportionment of the tax between local jurisdictions; setting forth exemptions from the tax; defining terms; and providing criminal penalties”; to the Committee on Political Subdivisions then Finance.

**By Delegate Shott:**

**H. B. 2229** - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant’s retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service”; to the Committee on Pensions and Retirement then the Judiciary.

**By Delegate Pyles:**

**H. B. 2230** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting from personal income tax the entirety of any income received under the federal Social Security system for persons with an adjusted

federal gross income of \$100,000 or less”; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegate Foster:**

**H. B. 2231** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2232** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farm to food bank tax credit”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2233** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2234** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2235** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2236** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2237** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for determining conformity of transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws, to applicable air quality implementation plans (transportation conformity)”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2238** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to provisions for determination of compliance with air quality management rules”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2239** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution rule to control annual nitrogen oxides emission, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2240** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2241** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Department of Health and Human Resources to promulgate a legislative rule relating to newborn screening system”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2242** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2243** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2244** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to cooperative agreement approval and compliance”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2245** - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to employment procedures”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2246** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to wage payment and collection”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2247** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2248** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2249** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2250** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the safety of those employed in and around surface mines in West Virginia”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2251** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2252** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners’ Health, Safety, and Training to promulgate a

legislative rule relating to rules for operating diesel equipment in underground mines in West Virginia”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2253** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2254** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2255** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for registration of pharmacy technicians”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2256** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2257** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2258** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the



Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2259** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to filing and formatting rules and related documents and other documents for publication in the State Register”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2260** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services, and upgrades”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2261** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2262** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to notaries public”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2263** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to code of ethics”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2264** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2265** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to senior citizen tax credit for property taxes paid”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2266** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2267** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2268** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2269** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2270** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs and the Office of the Governor”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2271** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the West Virginia Lottery”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2272** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2273** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2274** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to leasing of space and acquisition of real property on behalf of state spending units”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2275** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2276** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2277** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to rural rehabilitation loan program”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2278** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2279** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to agritourism”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2280** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2281** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2282** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2283** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2284** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2285** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2286** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to assisted living residences”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2287** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2288** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2289** - “A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted, treatment-office-based, medication-assisted treatment”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2290** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to child labor”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2291** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to

West Virginia Lottery sports wagering rule”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2292** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2293** - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project permitting ATVs and ORVs”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2294** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to rules for the substitution of biological pharmaceuticals”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2295** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2296** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2297** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Registered Professional Nurses to promulgate a legislative rule

relating to policies, standards, and criteria for the evaluation and accreditation of colleges, departments, or schools of nursing”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2298** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2299** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to standards for scope of professional nursing practice”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2300** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board and supplemental renewal fee for the center for nursing”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2301** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to dialysis technicians”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2302** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work”; to the Committee on the Judiciary.



**By Delegate Foster:**

**H. B. 2303** - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2304** - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer’s Office to promulgate a legislative rule relating to reporting and claiming unknown and unlocatable interest owners reserved interests”; to the Committee on the Judiciary.

**Miscellaneous Business**

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

- Delegates J. Jeffries and Phillips for H. B. 2046

At 11:15 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 11, 2019.



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Friday, January 11, 2019

### THIRD DAY

[MR. SPEAKER, MR. HANSHAW, 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, January 10, 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 bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Ellington, Hill, Rohrbach, Rowan, Summers, C. Thompson, Walker, Stagers, Atkinson and Angelucci:**

**H. B. 2351** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; setting forth an effective date; providing for implementation applicability; and setting deadlines."

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

Your Committee on the Judiciary has had under consideration:

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

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

### **Resolutions Introduced**

Delegates Pack, Steele, Foster, Campbell, J. Jeffries, Phillips, Worrell, Mandt, Toney, Linville and Higginbotham offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

**H. C. R. 3** - “Urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing an amendment to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States Senate.”

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing an amendment to the Constitution of the United States to limit the term of office that a person may be elected as a member of the United States Senate; and, be it

*Further Resolved*, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to propose an amendment to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States Senate and absolutely no other business will be authorized at this convention; and, be it

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

*Further Resolved*, That the Clerk of the House is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation and to the presiding officers of each of the legislative houses in the several states requesting their cooperation.

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

**By Delegate Sponaugle:**

**H. J. R. 7** - "Proposing an amendment to the Constitution of the State of West Virginia relating to exempting volunteer emergency personnel from ad valorem property taxation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Sponaugle:**

**H. J. R. 8** - "Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section twenty-three relating to the right to hunt and fish; numbering and designating such proposed amendment; and providing a summarized statement of

the purpose of such proposed amendment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Sponaugle and Rowan:**

**H. J. R. 9** - “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, Article X thereof, relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a 100 percent disability from ad valorem property taxation on the full amount of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

**By Delegate Sponaugle:**

**H. J. R. 10** - “Proposing an amendment to the Constitution of the State of West Virginia relating to exempting honorably discharged veterans of the Armed Forces of the United States from ad valorem property taxation on the first \$30,000 of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegate Howell:**

**H. J. R. 11** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, Article X thereof, relating to ad valorem property tax rates for citizens of the age of 65 or older; locking the value of a homestead property, for the purpose of calculating property taxes, at the assessed value when the owner-occupier turned 65 or purchased the property, whichever occurred later”; to the Committee on Finance then the Judiciary.

**Bills Introduced**

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

**By Delegates Harshbarger, P. Martin, McGeehan, Atkinson, Storch, Pack, Rowan, Hollen, Mandt, J. Kelly and Sybolt:**

**H. B. 2001** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to allowing as a decreasing modification from federal adjusted gross income for certain taxpayers when determining West Virginia taxable income certain percentages of social security benefits beginning after specified date; and increasing to 100 percent the percentage of social security benefits allowed as a decreasing modification for those certain taxpayers over three-year period”; to the Committee on Finance.

**By Delegates Higginbotham, Foster, C. Martin, Cadle, Hamrick, Fast, Wilson, Espinosa, Waxman, Kessinger and Butler:**

**H. B. 2002** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an educational savings account; application requirements; responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements for and rights of education service providers; including responsibilities of resident school districts; and addressing legal proceedings”; to the Committee on Education then Finance.

**By Delegates D. Jeffries, J. Jeffries, Foster, Pack, Maynard, Butler, Paynter, Graves, Linville, Malcolm and Steele:**

**H. B. 2305** - “A Bill to amend and reenact section §8-12-5a of the Code of West Virginia, 1931, as amended; removing authority of municipalities to restrict firearm possession without a valid concealed handgun license in certain areas during brief temporary events”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Storch and Pyles:**

**H. B. 2306** - “A Bill to amend and reenact §39B-2-101 and §39B-3-101 of the Code of West Virginia, 1931, as amended; and

to further amend said code by adding thereto a new article, designated §44E-1-1, §44E-1-2, §44E-1-3, §44E-1-4, §44E-1-5, §44E-1-6, §44E-1-7, §44E-1-8, §44E-1-9, §44E-1-10, §44E-1-11, §44E-1-12, §44E-1-13, §44E-1-14, §44E-1-15, §44E-1-16, §44E-1-17, and §44E-1-18, all relating to the Uniform Power of Attorney Act, exercising authority over the content of electronic communications and accessing the content of electronic communications; creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic communications and other digital assets of deceased users; providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; providing for uniformity of application and construction of article; and addressing relation of article to Electronic Signatures in Global and National Commerce Act"; to the Committee on the Judiciary.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2307** - "A Bill to amend and reenact §30-27-9 of the Code of West Virginia, 1931, as amended, relating to removing requirements to take an examination for a license to practice in this state, to the creation of a provisional license to practice in this state by an applicant with an expired license from another state, and directing the board to set the applicable fees for a provisional license"; to the Committee on Government Organization.

**By Delegates Fleischauer, S. Brown, Graves, Longstreth, Pyles, Walker, Rowan, Fluharty, Sypolt, Storch and Summers:**

**H. B. 2308** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b,



relating to the “Katherine Johnson Fair Pay Act of 2019”; honoring Katherine Coleman Johnson, making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation; making it unlawful for an employer to require a waiver of employees’ rights to disclose information about his or her wages, benefits, or other compensation or to share information about another employee’s wages, benefits, or other compensation; limiting employers’ inquiry into applicants’ wage and salary history”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2309** - “A Bill to amend and reenact §8-4-10 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to cancel elections when only one person is running for each office up for election and deeming those elected by acclamation”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Sponaugle:**

**H. B. 2310** - “A Bill to repeal §5-16-5 and §5-16-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-2, §5-16-4, §5-16-7 and §5-16-26 of said code; and to amend and reenact §18-9A-24 of said code, all relating to repealing the Public Employees Insurance Agency Finance Board”; to the Committee on Government Organization then Finance.

**By Delegate Howell:**

**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 State Tax Commission once the term of the permit has expired; and requiring rulemaking”; to the Committee on Government Organization.

**By Delegate Sponaugle:**

**H. B. 2312** - “A Bill to amend and reenact §7-15-17 of the Code of West Virginia, 1931, as amended, relating to authorizing

county commissions to initiate collection actions for emergency ambulance service; and allowing county commissions to assess a fee for ambulance calls when a person has refused transport”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Sponaugle and Miley:**

**H. B. 2313** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; and authorizing the Department of Health and Human Resources to promulgate legislative rules”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Foster and Higginbotham:**

**H. B. 2314** - “A Bill to amend and reenact §7-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-12-3 and §7-12-3a of said code; and to amend and reenact §8A-2-3 of said code, all relating to limiting the maximum number of appointees to certain county and municipal bodies; and imposing quorum requirements on certain county and municipal bodies”; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Foster:**

**H. B. 2315** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-11, relating to requiring a warning light to be erected on certain roads to warn of a traffic light ahead”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Westfall and Higginbotham:**

**H. B. 2316** - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home

rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Rohrbach, Rowan and Fast:**

**H. B. 2317** - “A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to health care records; and requiring the release of an unemancipated minor’s medical records for drug testing to his or her parent or legal guardian without written consent from that minor”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2318** - “A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-19-2a, all relating to taxes on soft drinks and soft drink syrups; and changing persons responsible for the taxes”; to the Committee on Finance.

**By Delegates Bates and Longstreth:**

**H. B. 2319** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, and §16-56-6, all relating to creating a state-administered wholesale drug importation

program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Rowe and Pyles:**

**H. B. 2320** - “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 Delegates Lovejoy, Miller, Canestraro and Rohrbach:**

**H. B. 2321** - “A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers’ compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Cooper and Rowan:**

**H. B. 2322** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to providing a salary increase for special education teachers”; to the Committee on Education then Finance.

**By Delegates Rowe and Rohrbach:**

**H. B. 2323** - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising the legal age for the purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to 21”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Summers:**

**H. B. 2324** - “A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17, and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform

auricular acudetox therapy; defining terms; providing rulemaking and emergency rule-making authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope; prohibiting advertising; and providing for the suspension or revocation of certificates”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Lovejoy and Canestraro:**

**H. B. 2325** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2 and §1-7-3, all relating to net neutrality for state government; providing legislative findings; defining terms; requiring the state to utilize net neutral Internet services and associated activities; and providing exceptions”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Summers and Rohrbach:**

**H. B. 2326** - “A Bill to amend and reenact §16-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health”; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegates Lovejoy, Canestraro and Rohrbach:**

**H. B. 2327** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to public school education in dating violence, domestic abuse and sexual violence prevention”; to the Committee on Education then the Judiciary.

**By Delegates Rowe and Pyles:**

**H. B. 2328** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designation of social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; duties described; limitation on use of information obtained”; to the Committee on Education then Finance.

**By Delegate Lovejoy:**

**H. B. 2329** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for pollinators; and establishing a fee”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Howell and Shott:**

**H. B. 2330** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain military ratings to qualify for examination for license as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Bates and Caputo:**

**H. B. 2331** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8 and §16A-17-9, all relating to legalizing cannabis production, sales and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations;

authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter West Virginia Medical Cannabis Act”; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegate Paynter:**

**H. B. 2332** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Caputo:**

**H. B. 2333** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to career progression of members of the State Police; increasing the longevity pay for members of the State Police; providing for certain increases in pay if certain educational attainment is met by members of the State Police; and adjusting the timing of certain salary changes”; to the Committee on Government Organization then Finance.

**By Delegate Fleischauer:**

**H. B. 2334** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-6C-1, §22-6C-2 and §22-6C-3, all relating to establishing an industrial water extraction fee; placing a one cent fee on every gallon of water extracted for industrial use; placing an additional one cent fee on every gallon of water extracted for industrial use that is transported over state roads; requiring measuring of water withdrawals by a specified method; defining terms; and providing rule-making authority”; to the Committee on Energy then Finance.

**By Delegates Fleischauer, Pyles, Caputo and Longstreth:**

**H. B. 2335** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3 and §5-11C-4, all relating to creating the

Family Protection Act; making it illegal to discriminate against an individual regarding his or her family responsibilities; defining terms; and setting forth remedies and enforcement powers”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Fleischauer, Miller and Longstreth:**

**H. B. 2336** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver; requiring the West Virginia Bureau for Medical Services to file a request with the Centers for Medicare & Medicaid Services to reinstate the terms of the state’s amended Intellectual/Developmental Disability Waiver that was approved and in place prior to July 1, 2017; and requiring the bureau to seek legislative approval before filing a future request with the Centers for Medicare & Medicaid Services to amend or renew an Intellectual/Developmental Disability Waiver in a manner that alters the scope or nature of services provided under a current waiver”; to the Committee on Health and Human Resources then Finance.

**By Delegates Fleischauer, Pyles and Longstreth:**

**H. B. 2337** - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-1-3 of said code, all relating to requiring the Commissioner of the Bureau for Public Health to conduct a public health impact statement assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection; and requiring the Secretary of the Department of Environmental Protection to incorporate findings of the impact statement into the proposed rule”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Howell:**

**H. B. 2338** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle’s original markings in lieu of a registration plate”; to the



Committee on Technology and Infrastructure then Government Organization.

**By Delegates Fluharty and Miley:**

**H. B. 2339** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-42; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the “Stay in State” tax credit against personal income for higher education tuition for certain state residents; creating credit for student loan payments for all in-state community college, college or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility for payments against student loans for employees; defining terms; and providing that the board of education, State Board of Education and governing boards of colleges promotion of the program”; to the Committee on Education then Finance.

**By Delegate Rohrbach:**

**H. B. 2340** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an earned income tax credit against the personal income tax”; to the Committee on Finance.

**By Delegate Fleischauer:**

**H. B. 2341** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, §16-56-6, §16-56-7, §16-56-8 and §16-56-9, all relating to creating the West Virginia Residential Furniture and Children’s Products Flame Retardants Act administered and enforced under the authority of the Commissioner of the Bureau for Public Health; prohibiting the use of certain flame-retardant chemicals in certain products; legislative findings; definitions; rule-making authority; when replacement chemicals may be used; exemptions to requirements; requiring report to Joint Committee on Government and Finance; requiring certificate of compliance; injunctive relief for violations; and

providing civil penalties for violations”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Howell:**

**H. B. 2342** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2343** - “A Bill to amend and reenact §17A-6-25 of the Code of West Virginia, 1931, as amended, relating to permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Rowan, Pyles and Rohrbach:**

**H. B. 2344** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2 and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability”; to the Committee on Senior, Children and Family Issues then Finance.

**By Delegates Rowan and J. Kelly:**

**H. B. 2345** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to selection of language developmental milestones to develop a resource for use by parents to monitor and track deaf and hard-of-hearing children’s receptive and expressive language acquisition in the language(s) and communication mode chosen by the parents, and developmental stages toward English literacy”; to the Committee on Education then Finance.

**By Delegates Howell and Higginbotham:**

**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”; to the Committee on Government Organization.

**By Delegates Jennings and Rowan:**

**H. B. 2347** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference in said code to ‘Pinecrest Hospital’ with the correct name of ‘Jackie Withrow Hospital’”; to the Committee on Health and Human Resources then Finance.

**By Delegate Miley:**

**H. B. 2348** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-304, relating to authorizing magistrates to order emergency removal of a child when a parent’s drug use creates an unsafe environment; requiring certain information in order; providing automatic termination of order following 96 hours unless petition filed; and providing for the department to place child with relative or the department”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Fleischauer, Pethtel and Pyles:**

**H. B. 2349** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to

unlawful discriminatory practices; prohibiting discrimination based on age or sexual orientation; and defining sexual orientation”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate R. Thompson:**

**H. B. 2350** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3 and §6C-5-4, all relating to permitting public employees the right to collectively bargain; providing for an exclusive representative; providing a procedure; and setting forth matters subject to collective bargaining”; to the Committee on Industry and Labor then the Judiciary.

The Speaker noted to the House that there were differences in resolution references made during the VII Order of Business compared to those contained in the Chamber Automation System and, in the absence of objection, such resolutions were referred to committees as indicated on the list in the Chamber Automation System. Such references are included with the resolutions previously listed in this Journal.

### **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 Lovejoy for H. B. 2071 and H. B. 2208
- Delegates Canestraro, Capito, Fleischauer and Wilson for H. B. 2164
- Delegates Byrd, Capito, Harshbarger, Lovejoy and Zukoff for H. B. 2185
- Delegate Miley for H. B. 2059, H. B. 2065, H. B. 2078, H. B. 2083 and H. B. 2188

At 11:13 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 14, 2019.

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Monday, January 14, 2019

**SIXTH DAY**

[MR. SPEAKER, MR. HANSHAW, 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 11, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2128**, Allowing state employees to take paid leave to attend parent-teacher conference for their children,

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

**Com. Sub. for H. B. 2128** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend parent-teacher conferences for their children,"

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. 2128) to the Committee on Finance was abrogated.

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

Your Committee on Government Organization has had under consideration:

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

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

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

And,

**H. B. 2038**, Relating to the procedure to determine if an occupation or profession should be regulated,

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

**Com. Sub. for H. B. 2038** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-2a, relating to the procedure to determine if an occupation or profession should be regulated; providing when an application to regulate is prohibited; providing for the legislative auditor to review other state occupation and professional regulations; and providing for the sunset of occupation or professional regulation,"

With the recommendation that the committee substitutes 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. 2184**, Removing restrictions on where certain traditional lottery games may be played,

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. 2184) 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. 2183**, Clarifying where a charge of DUI may be brought against an individual,

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

**Com. Sub. for H. B. 2183** - "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that the offense of driving under the influence of alcohol, controlled substances, or drugs must, in instances not causing bodily injury or death, be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway,"

With the recommendation that the committee substitute do pass.

### **Resolutions Introduced**

Delegates Stagers, Evans, Kessinger, Hamrick, N. Brown, Angelucci, Atkinson, Azinger, Barrett, Bates, Boggs, S. Brown,

Butler, Caputo, Diserio, Doyle, Ellington, Fast, Graves, Hanna, Hansen, Hartman, Hornbuckle, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Lavender-Bowe, Linville, Longstreth, Malcolm, C. Martin, McGeehan, Miley, Nelson, Pack, Pethtel, Phillips, Pushkin, Pyles, Rodighiero, Rowan, Rowe, Skaff, Sponaugle, Steele, Swartzmiller, Sypolt, C. Thompson, Toney, Walker, Waxman, Westfall, Wilson and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 5** - "Honoring U. S. Army SPC4 Carmel Harvey Jr., Medal of Honor recipient."

Whereas, Carmel Harvey Jr. was born in Montgomery, West Virginia, October 6, 1946; and

Whereas, Carmel Harvey Jr. lived with his family in a coal camp at Page, West Virginia; and

Whereas, At the age of 20, Carmel Harvey Jr. had entered the United States Army and was deployed to Vietnam; and

Whereas, SPC4 Carmel Harvey Jr. was injured by a punji trap, but recuperated and returned to duty with his unit, Company B, 1<sup>st</sup> Battalion, 5<sup>th</sup> Cavalry Regiment, 1<sup>st</sup> Cavalry Division (Airmobile), and

Whereas, On June 21, 1967, in Binh Dinh Province, Fire Team Leader SPC4 Carmel Harvey Jr. and his platoon were ordered to secure a downed helicopter. After establishing a defensive perimeter around the aircraft, SPC4 Harvey's position was attacked from three sides by a large enemy force. Harvey and two members of his squad received heavy incoming machine gun fire. When the other two soldiers were wounded, SPC4 Harvey increased his deliberate rifle fire at the enemy, which caused the enemy to concentrate fire on Harvey himself; and

Whereas, An enemy bullet struck a grenade on Harvey's belt, arming the grenade and causing the grenade to become entangled in his belt. The soldier realized what was happening and the danger the armed grenade posed to himself and his fellow soldiers. Unable



to quickly remove the grenade from his belt, SPC4 Harvey jumped to his feet, shouted a challenge to the enemy, and charged the machine gun. The grenade exploded before SPC4 Harvey reached the machine gun but the explosion, which killed Harvey, so stunned the enemy that it caused a pause in the enemy action allowing the wounded to be removed and the platoon to be extracted from the area. The young hero was 20 years old; and

Whereas, In 1969, President Richard Nixon presented the Congressional Medal of Honor to SPC4 Carmel Harvey Jr's parents, who had moved to the Southside community of Chicago when Carmel Harvey Jr. was a young teenager. In Chicago, Harvey attended George Washington High School and was a star on the baseball field. Following high school Harvey was drafted by the Chicago Cubs. After suffering a knee injury which prevented him from beginning a baseball career, Harvey enlisted in the U. S. Army; and

Whereas, SPC4 Harvey has been hailed as a hero of the city where a high school gymnasium bears his name. The Harvey Functional Fitness Center at Fort Hood, Texas reminds those serving today of this Mountain State hero. Harvey's sister, Frances, said that her brother would always take care of his friends whenever they would go places and do things; and

Whereas, It is appropriate that the state fully recognize and honor the memory of SPC4 Carmel Harvey Jr, a native West Virginia patriot who so unselfishly gave his life to protect his fellow soldiers; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby honors the memory of native son and Congressional Medal of Honor recipient SPC4 Carmel Harvey Jr. honored for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty; and, be it

*Further Resolved,* That the Clerk of the House forward copies of this resolution to the Executive Editor in Chief of the *Charleston*

*Gazette-Mail*, and James McCormick, State Commander of the Military Order of the Purple Heart.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegate Foster:**

**H. J. R. 12** - "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance.

### **Petitions**

Delegate Boggs presented a petition signed by citizens of the State in support of increased funding for Senior Centers; which was referred to the Committee on Finance.

### **Bills Introduced**

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

**By Delegates Shott, Kessinger, Wilson, Fast, Waxman, Kump, D. Kelly, Espinosa, Toney, Westfall and Higginbotham:**

**H. B. 2003** - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to extending expungement of certain criminal convictions beyond a misdemeanor offense; and, establishing a fee for the expungement of certain criminal convictions upon proper petition"; to the Committee on the Judiciary.

**By Delegates Espinosa, Graves, Harshbarger, Foster, Worrell, Hanna, Dean, Sypolt, Hamrick and Howell:**

**H. B. 2004** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-

2-7d and §18-2-40; to amend and reenact section §18B-3C-4 of said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to providing for a program of instruction in workforce preparedness; providing career and technical education program of study information for students and parents; requiring the transcription earned of dual credits; elevating the priority of community and technical college/career and technical education consortia on program integration to meet region and state labor market needs; providing for joint State Board and Council for Community and Technical College Education guidelines on program administration; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions”; to the Committee on Education.

**By Delegates Linville, Hanna, Anderson, Hollen, D. Jeffries, Sypolt, Hardy, Fast, Maynard, Phillips and Rowan:**

**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, §11-6L-5 and §11-6L-6, 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 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 by county assessors of whether certain property is subject to this article; and specifying procedure for protest and appeal of

determination by county assessor; establishing Public Service Commission jurisdiction over make-ready pole access within the state, and 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 and limiting state and local government authority to prohibit, regulate or charge for collocation; authorizing and limiting activities and equipment of providers; excluding micro wireless facilities from regulation; authorizing and limiting permits for activities; providing for the collection of fees and setting the amount of fees; authorizing and limiting access to collocation sites, structures and equipment; authorizing and limiting agreements between authority and provider; and providing for certain local zoning, indemnification, insurance, bonding and other forms of surety requirements”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Shott, Cadle, Higginbotham, Espinosa, Waxman and Porterfield:**

**H. B. 2352** - “A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits”; to the Committee on the Judiciary.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2353** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section article, designated §17-4-56, relating to permitting the Commissioner of the Division of Highways to purchase hardware items and equipment from a local seller rather than the holder of a state contract if the cost of the item or equipment is less than the cost from the holder of the state contract”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2354** - “A Bill to amend and reenact §30-27-9 of the Code of West Virginia, 1931, as amended, relating to removing requirements to take an examination for a license to practice in this state, to the creation of a provisional license to practice in this state by an applicant with an expired license from another state, and directing the board to set the applicable fees for a provisional license”; to the Committee on Government Organization.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2355** - “A Bill to amend and reenact §17C-7-6 of the Code of West Virginia, 1931, as amended, relating to limiting the continuous operation of a vehicle in the left lane of a multilane roadway”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2356** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7, relating to the requirement that all executive branch agencies maintain a website that contains specific information”; to the Committee on Government Organization.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2357** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-16F-1, §17A-16F-2, §17A-16F-3, §17A-16F-4, §17A-16F-5, and §17A-16F-6, all related to creating the Right to Repair Act; requiring a manufacturer of motor vehicles sold in the state to make diagnostic and repair information available to owners independent repair facilities that the manufacturer makes available to its dealers through the manufacturer’s Internet-based diagnostic and repair information system; providing exceptions; providing additional remedies; and defining terms”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2358** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms”; to the Committee on Energy then the Judiciary.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2359** - “A Bill to amend and reenact §17E-1-8 of the Code of West Virginia, 1931, as amended, relating to exempting commercial motor vehicle operators employed with a farm related service industry from the commercial driver’s license requirements for a limited time period”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**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”; to the Committee on Government Organization.

**By Delegates Skaff, Canestraro, Robinson, Byrd, Miley, Hartman, Westfall and Ellington:**

**H. B. 2361** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-6-39, relating to defining certain key terms; prohibiting insurers from requiring dentists to provide discount on noncovered services; prohibiting dentists from charging more for covered persons on noncovered services than his or her customary or usual rate for the services; and providing that insurers may not provide for a nominal reimbursement for a service in order to claim that a service or material is covered”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Miller, Shott, Campbell, Lovejoy, Canestraro, Maynard, Hornbuckle, Summers and Robinson:**

**H. B. 2362** - “A Bill to amend and reenact §3-3-5c of the Code of West Virginia, 1931, as amended, relating to procedures for voting an emergency absentee ballot by qualified voters; and providing a mechanism to allow a qualified voter who is confined to a specific location within the county other than a hospital or other duly licensed health care facility or a nursing home and is prevented from travelling to a polling place and voting in person because of illness, injury or other medical reason, or a physical disability or immobility due to extreme advanced age”; to the Committee on the Judiciary.

**By Delegates Stagers, Angelucci, Kessinger, Fast, Skaff and Robinson:**

**H. B. 2363** - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length of the program; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code”; to the Committee on Government Organization then Education.

**By Delegates Pack, Hill, Kessinger, Graves, Steele, Higginbotham, Linville, Maynard, Sypolt, Cadle and Foster:**

**H. B. 2364** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-3-11, relating to the underbilling of customers by public utilities; limiting the amount of time a customer may be backbilled; and providing for payment periods for the underbillings”; to the Committee on the Judiciary.

**By Delegates Foster, Higginbotham, Fast, Linville, Pack, Steele, Phillips, Shott, Summers, Kessinger and Cadle:**

**H. B. 2365** - “A Bill to amend and reenact §21A-1A-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-1a of said code, all relating to the definition of employee for the purposes of the unemployment compensation and workers compensation laws”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Hanshaw (Mr. Speaker)  
[By Request of the Executive]:**

**H. B. 2366** - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2019; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals;



providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to

issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; and providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right”; to the Committee on the Judiciary then Finance.

**By Delegates Miley and Caputo:**

**H. B. 2367** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to creating a state program allowing high school students advance to getting a college degree or technical training while in high school; authorizing the board of education to enter into agreements with colleges, career and technical schools; and providing scholarship and financial support for eligible students”; to the Committee on Education then Finance.

**By Delegate Pushkin:**

**H. B. 2368** - “A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails”; to the Committee on Education then Finance.

**By Delegate Howell:**

**H. B. 2369** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-6F-1, §17A-6F-2, and §17A-6F-3, all relating to creating a special motor vehicle collector license plate; defining collector motor vehicle and motor vehicle collector; allowing the holder of a motor vehicle collector license plate to transfer the special plate temporarily among collector motor vehicles owned by the collector; and establishing requirements and fees for a motor

vehicle collector license plate application”; to the Committee on Technology and Infrastructure then Finance.

**By Delegate McGeehan:**

**H. B. 2370** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax”; to the Committee on Education then Finance.

**By Delegate McGeehan:**

**H. B. 2371** - “A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the personal income tax”; to the Committee on Finance.

**By Delegate McGeehan:**

**H. B. 2372** - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee”; to the Committee on Pensions and Retirement then Finance.

**By Delegate McGeehan:**

**H. B. 2373** - “A Bill to repeal §55-12A-3, §55-12A-6, §55-12A-7, §55-12A-8 and §55-12A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §55-12A-1, §55-12A-2, §55-12A-4 and §55-12A-5 of said code, all relating to the procedure for claiming abandoned mineral interests; creating a procedure to quiet title to abandoned mineral interests by serving notice on a mineral rights owner; and requiring the filing of an affidavit with the county clerk within 60 days thereafter”; to the Committee on Energy then the Judiciary.

**By Delegates McGeehan and J. Kelly:**

**H. B. 2374** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments;

discontinuing the use of common core standards and assessments in the state”; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 2375** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9q, relating to creating the Save the Hospitals Act; exempting nonprofit hospitals that provide a certain amount of uncompensated care from sales tax and requiring West Virginia Hospital Finance Authority to promulgate rules to effectuate this section”; to the Committee on Health and Human Resources then Finance.

**By Delegate Hornbuckle:**

**H. B. 2376** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-16A-1, §11-16A-2, §11-16A-3, §11-16A-4, §11-16A-5, §11-16A-6, §11-16A-7, §11-16A-8, §11-16A-9, §11-16A-10, §11-16A-11, §11-16A-12, §11-16A-13, §11-16A-14, §11-16A-15, §11-16A-16, §11-16A-17, §11-16A-18 and §11-16A-19, all relating to the legalization of marijuana; providing legislative findings; defining terms; allowing persons 21 years or older to use marijuana; authorizing personal cultivation in limited amounts; establishing prohibitions; establishing criminal penalties for underage sales, public consumption and use in a vehicle; requiring licensing for commercial growth and extraction; establishing requirements for sales and production establishments; allowing lawful possession, manufacture and sale of certain accessories; allowing commercial transport; prohibiting certain financial interests; requiring safety and warning labels for commercial sales; allowing local government to regulate and tax facilities; providing requirements for cultivation facilities; requiring certain state agencies to regulate and license various aspects of production, distribution and testing; establishing identification for purchase requirements; and providing that certain contracts are enforceable”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Cooper and Nelson:**

**H. B. 2377** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making

Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college education program”; to the Committee on Education then Finance.

**By Delegate Espinosa:**

**H. B. 2378** - “A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating generally to grounds for revocation of a teaching certificate; and providing that a teaching certificate or license shall be automatically revoked if a teacher is convicted of a criminal offense that requires him or her to register as a sex offender”; to the Committee on Education then the Judiciary.

**By Delegates Espinosa and Higginbotham:**

**H. B. 2379** - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organization for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms ‘political activities’ and ‘agency shop fees’; modifying definition of ‘deductions’ to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Fleischauer:**

**H. B. 2380** - “A Bill to amend and reenact §33-15-2a and §33-15-4 of the Code of West Virginia, 1931, as amended; to amend

said code by adding thereto three new sections designated §33-15-4s, §33-15-20a, and §33-15-22, all related to defining surprise bills and health care providers, adding new disclosure requirements for health care providers, hospitals, and insurers, adding the requirement that insurers develop an access plan for consumers, and establishing how surprise bills are to be handled in certain circumstances”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Hornbuckle and Rohrbach:**

**H. B. 2381** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-9a, relating to exempting certain contracts between the Department of Health and Human Resources and West Virginia University or Marshall University from state purchasing requirements”; to the Committee on Education then Government Organization.

**By Delegates Hornbuckle, Miller and Canestraro:**

**H. B. 2382** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; creating criminal penalties; and allowing a private cause of action”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Hornbuckle, Rohrbach and R. Thompson:**

**H. B. 2383** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves

the relevant rules”; to the Committee on Health and Human Resources then Education.

**By Delegate Paynter:**

**H. B. 2384** - “A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, 20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, and §20-17-23, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Atkinson and Jennings:**

**H. B. 2385** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to providing limited prescriptive authority to a licensed psychologist who meets certain criteria”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Fleischauer:**

**H. B. 2386** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2 and §18-2L-3; and to amend and reenact §18-5-13a of said code, all relating to the creation of a School Consolidation Task Force; designating membership of Task Force; establishing Task Force purpose to study effects of school closures in the last 30 years; and to place a moratorium on school closure and consolidation for five years, unless special referendum in county passed by voters”; to the Committee on Government Organization then Education.

**By Delegates Boggs, Caputo and Miley:**

**H. B. 2387** - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to verify legal employment status of contractors and vendor’s employees for certain road and bridge

contracts”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Maynard and Jennings:**

**H. B. 2388** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to permitting active members of the United States military and veterans who have been honorably discharged from service to elect one item, either real or personal to be exempt from the payment of various taxes”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Storch and Pyles:**

**H. B. 2389** - “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, §51-12-7, §51-12-8, §51-12-9, §51-12-10, §51-12-11, §51-12-12, §51-12-13, §51-12-14, §51-12-15, and §51-12-16, all relating to the Model Veterans Treatment Court Act”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegate Cowles:**

**H. B. 2390** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Dean and R. Thompson:**

**H. B. 2391** - “A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs; and requiring county boards to ensure that school counselors are not assigned administrative or clerical duties as part of their regular work assignment or while students are present”; to the Committee on Education.

**By Delegates Hartman and Caputo:**

**H. B. 2392** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and



to amend said code by adding thereto a new section, designated §60-6-27, all relating to allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for the retail sale of nonintoxicating beer and alcoholic liquors to a duly organized nonprofit corporation, limited liability entity or an association having received federal tax-exempt status, when raising money for artistic, athletic, charitable, educational or religious purposes”; to the Committee on Government Organization.

**By Delegates Dean, Rowan and R. Thompson:**

**H. B. 2393** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Fleischauer and Fast:**

**H. B. 2394** - “A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-4 of said code, all relating to requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage to cover the premises of the licensee; establishing statutory minimum level of insurance coverage; and directing the Alcoholic Beverage Control Commissioner, upon a finding that either statutory minimum insurance coverage is inadequate, to increase statutory minimum coverage amounts by legislative rule”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Rowe:**

**H. B. 2395** - “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 R. Thompson:**

**H. B. 2396** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1,

relating to requiring all state-funded institutions to purchase a minimum of 20 percent of fresh produce from in-state producers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Atkinson, J. Kelly, Miller and Cooper:**

**H. B. 2397** - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring county school boards to provide adequate mental health and counseling services in the form of the employment of a psychologist or psychiatrist to pupils to address issues stemming from rampant drug abuse”; to the Committee on Prevention and Treatment of Substance Abuse then Education.

**By Delegates Harshbarger, Cooper and R. Thompson:**

**H. B. 2398** - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Rohrbach and Summers:**

**H. B. 2399** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to regulating prior authorizations”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Westfall:**

**H. B. 2400** - “A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer”; to the Committee on Banking and Insurance then Finance.

**By Delegates Criss, Pyles and Higginbotham:**

**H. B. 2401** - “A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §30-20A-8, §30-20A-9, §30-20A-10, §30-20A-11, §30-20A-12, §30-20A-13, §30-20A-14, §30-20A-15 and §30-20A-16, all

relating to licensing the practice of athletic training; making the practice of athletic training unlawful without license or permit; establishing applicable law; defining terms; establishing eligibility for license; defining the scope of practice; establishing requirements for reciprocal agreements; establishing requirements for temporary permits; establishing renewal requirements; establishing requirements for delinquent or expedited licenses; establishing requirements for an active license; creating exemptions; requiring display of license; establishing complaint process and investigation procedures; establishing grounds for disciplinary action; establishing hearing procedures and right to appeal; providing for judicial review of decision; and providing criminal penalties”; to the Committee on Government Organization then the Judiciary.

**By Delegates McGeehan and Shott:**

**H. B. 2402** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting social security benefits from personal income tax”; to the Committee on Finance.

**By Delegate McGeehan:**

**H. B. 2403** - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

## **Special Calendar**

### **First Reading**

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

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

And,

**H. B. 2351**, Relating to regulating prior authorizations.

**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:

- Delegates Fleischauer, Fluharty and Pushkin for H. B. 2185
- Delegate Hanna for H. B. 2342
- Delegates Harshbarger, Steele and Wilson for H. B. 2183
- Delegate Kump for H. B. 2370, H. B. 2374, H. B. 2375 and H. B. 2402
- Delegate Lovejoy for H. B. 2168, H. B. 2200, H. B. 2224, H. B. 2318, H. B. 2344 and H. B. 2348

At 11:14 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 15, 2019.

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Tuesday, January 15, 2019

## SEVENTH DAY

[MR. SPEAKER, MR. HANSHAW, 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 Monday, January 14, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2185**, Relating to the removal of animals left unattended in motor vehicles,

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

In the absence of objection, reference of the bill (H. B. 2185) to the Committee on Finance was abrogated.

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. 2204**, Prohibiting state licensing boards from hiring lobbyists,

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. 2204) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2307**, Relating to creating a provisional license for practicing barbering and cosmetology,

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

**Com. Sub. for H. B. 2307** - "A Bill to amend and reenact §30-27-9 of the Code of West Virginia, 1931, as amended, relating to barbering and cosmetology; removing certain requirements to take an examination for a license; to establish a provisional license to practice in this state by an applicant with an expired license from another state; and directing the board to set the applicable fees for a provisional license,"

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. 2191**, Relating generally to limited video lottery,

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. 2191) was referred to the Committee on Finance.

### **Resolutions Introduced**

Delegates Cooper, Rowan and Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 4** - “Requesting the Division of Highways name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the ‘Gold Star Families Highway’.”

Whereas, United States military service members don’t serve alone. In 2015, there was a reported total of 1,728,710 family members who served alongside their Active Duty service member. Of that number, there were 1,076,803 children and 641,639 spouses; and

Whereas, Starting in World War I, the families of U. S. soldiers and sailors often flew flags that had a blue star for each member of the family that was serving in the military. If one of them died in battle, the blue star was changed to a gold star. In August of 1947, the United States Congress authorized the military to present a gold star lapel pin to the family members of those killed in action. That first pin was a simple gold star on a purple background with a laurel wreath around the star. Another pin, a gold star with a gold background and four oak sprigs around the star, was authorized by Congress in 1973. It was awarded to the next of kin of service members who die during military service; and

Whereas, Now families who have had a family member killed in action are referred to as Gold Star Families; and

Whereas, It is fitting that a proper memorial be established for these West Virginia families who have had a member of their family die in their defense of their country and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the “Gold Star Families Highway”; 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 “Gold Star Families Highway”; 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 Cooper, Pack and Paynter offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 5** - “Requesting the Division of Highways name bridge number 32-122-7.94 (32A054) (37.54030, -80.66364), locally known as Indian Creek Bridge #1, carrying WV 122 over Indian Creek in Monroe County, the ‘U. S. Army T/5 Maurice V. Mann Memorial Bridge’.”

Whereas, Maurice V. Mann was born January 14, 1922, at Bellepoint, West Virginia; and

Whereas, Maurice V. Mann was inducted into the United States Army October 22, 1942, and entered active service November 5, 1942; and

Whereas, T/5 Maurice V. Mann was trained as a tank mechanic and during World War II drove an armored personnel carrier with the Army’s 52<sup>nd</sup> Armored Infantry Battalion of the 9<sup>th</sup> Armored Division. During action at the Battle of the Bulge, T/5 Maynard and several of his fellow soldiers were captured by German forces December 19, 1944, and held until liberated in April of 1945; and

Whereas, T/5 Mann returned to West Virginia to recuperate at the Greenbrier Hotel which served as a hospital during the war; and



Whereas, For his service, T/5 Maurice V. Mann was awarded the Bronze Service Star, the American Campaign Medal, the World War II Victory Medal and the POW medal; and

Whereas, Maurice V. Mann drove a bus for Monroe County Schools for many years; and

Whereas, T/5 Mann died in 1998; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 32-122-7.94 (32A054) carrying WV 122 over Indian Creek in Monroe County, the “U. S. Army T/5 Maurice V. Mann Memorial Bridge” and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army T/5 Maurice V. Mann 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.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Campbell, Sponaule, Hartman and Miley:**

**H. J. R. 13** - “Proposing an amendment to the Constitution of the State of West Virginia relating to exempting honorably discharged veterans of the Armed Forces of the United States who served during a period of war from ad valorem property taxation on the first \$30,000 of assessed value of a primary residence; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

### **Bills Introduced**

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

**By Delegates Howell, Westfall, Rohrbach, Worrell, Summers, Hamrick, Ellington, Queen, Hill, Wilson and Criss:**

**H. B. 2006** - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring notice prior to passing of an ordinance; clarifying the prohibition concerning municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; creating a Home Rule Board Operations Fund; providing for annual assessment of participants and waiver of the assessment; providing for fund expenditures; proscribing fiscal year end funds not transfer to the General revenue Fund; providing for petition procedures to protest enacted or amended ordinances; allowing protest of certain ordinances, act, resolution, rule, regulations, or bonds by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Jennings, Harshbarger, Hanna, Householder, Wilson, Foster, Ellington, McGeehan, Kessinger, Hollen and Malcolm:**

**H. B. 2007** - “A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-

15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-29A-20 of said code; to repeal §16-29B-1, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15 and §16-29B-30 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-5Y-3 and §16-5Y-12 of said code; to amend and reenact §16-29B-8 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program; fixing an effective date; deleting references to the certificate of need program throughout the code and making technical corrections”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Cowles, Harshbarger, Kump, Householder, Ellington, Hill, Wilson, Butler, Steele, Jennings and Criss:**

**H. B. 2008** - “A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; and providing that when no candidate receives a majority of votes cast, then a runoff election is to be held within 30 days”; to the Committee on the Judiciary.

**By Delegates Hamrick, Dean, Phillips, Cadle, Porterfield, Wilson, Jennings, Cooper and Espinosa:**

**H. B. 2009** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to creating a new category of Innovation in Education grant program designated Innovation in Education/Mastery-Based; making findings and stating purpose and intent; providing definitions; delineating applicability of other Innovation in Education provisions of article; specifying duties of state board with respect to program; requiring participation in incubator process; prohibiting penalties for students who transfer from mastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing”; to the Committee on Education.

**By Delegate Caputo:**

**H. B. 2404** - “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating

to providing an increase in compensation for natural resources police officers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Ellington, Summers, Pack, Atkinson, Hollen, Rohrbach, Pushkin, Walker and Fleischauer:**

**H. B. 2405** - “A Bill to repeal §11-26-1, §11-26-2, §11-26-3, §11-26-4, §11-26-5, §11-26-6, §11-26-7, §11-26-8, §11-26-9, §11-26-10, §11-26-11, §11-26-12, §11-26-13, §11-26-14, §11-26-15, §11-26-16, §11-26-17, §11-26-19 and §11-26-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-27-3 of said code; and to amend said code by adding thereto a new section, designated §11-27-10a, all relating to imposing a health-care related provider tax on certain health care organizations; repealing outdated tax: adding definitions; establishing tax rates; requiring federal approval of tax; and setting effective date”; to the Committee on Health and Human Resources then Finance.

**By Delegates Cooper, Pack, Higginbotham, Kump and Cadle:**

**H. B. 2406** - “A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to exempting persons with valid religious objections from having their photographs taken and placed on government licenses or other identification cards”; to the Committee on the Judiciary.

**By Delegates Summers, Hill and Wilson:**

**H. B. 2407** - “A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2 and §30-7E-3 of said code; to amend said code by adding thereto a new section, designated §16-5B-19; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15 and §30-7-16 of said code; to amend said code by adding thereto a new section, designated §30-7-17; to amend and reenact §30-7-18, §30-7-19 and §30-7-20 of said code; to amend said code by adding thereto eleven new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30 and §30-

7-31, all relating to the Board of Nursing; prohibiting the practice of nursing without a license; defining terms; renaming the board; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing a period of transition; eliminating the Board of Examiners for licensed practical nurses; repealing expired authority; and updating references"; to the Committee on Health and Human Resources.

**By Delegate Byrd:**

**H. B. 2408** - "A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931, as amended, relating to requiring hospitals and birthing centers to also test newborn infants for spinal muscular atrophy"; to the Committee on Health and Human Resources.

**By Delegates Lovejoy, Linville, Hornbuckle, Miller, Pethtel, Worrell, Mandt, Williams, Rohrbach and Canestraro:**

**H. B. 2409** - "A Bill to amend and reenact §8-22-27A of the Code of West Virginia, 1931, as amended, relating to preserving previously approved pensions awarded through the state Municipal Policemen's or Municipal Firemen's Pension and Relief Funds"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2410** - “A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information that is available to the public at no charge; requiring county commissions to provide certain information to the Secretary of State; and requiring municipalities to maintain websites with specific information available to the public at no charge”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Maynard, Azinger, Cooper, Jennings, Lovejoy, Miller, Sponaugle and Sypolt:**

**H. B. 2411** - “A Bill to amend and reenact §12-4-14 of the Code of West Virginia, as amended, relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments; requiring fire departments to file bank statements and check images instead of a sworn statement of expenditures; changing threshold dates; removing criminal penalties; and updating outdated language”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

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

**H. B. 2412** - “A Bill to repeal §5A-3-28, §5A-3-30, and §5A-3-31 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-5B-1, §61-5B-2, §61-5B-3, and §61-5B-4, all relating to criminal acts concerning government procurement of commodities and services; moving current provisions from chapter 5A to chapter 61; defining terms; including the provision of cash, credit, and waivers of debt or liability as commodities; prohibiting public officials from having personal interest in government procurement; applying provisions to all branches and units of state government; prohibiting fraud and attempts to defraud government entities in procurement; prohibiting knowing acceptance and delivery of

inferior goods and services; defining unfair and corrupt acts in bidding and contracting for commodities and services; and establishing criminal penalties therefor”; to the Committee on the Judiciary.

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

**H. B. 2413** - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates”; to the Committee on Finance.

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

**H. B. 2414** - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; to the Committee on Finance.

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

**H. B. 2415** - “A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction that shall be available to students at each programmatic level; and to require the West Virginia Department of Education to develop and offer professional development opportunities”; to the Committee on Education then Finance.

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

**H. B. 2416** - “A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, and §17-2E-6 of said code, all relating to the use of state owned rights-of-way; modifying requirements related to accommodation leases; amending

procedures and requirements of the state's dig once policy; modifying definitions; providing for the determination of fair market value; modifying notice requirements for permit applicants; amending procedures for the adjudication of disputes between telecommunications carriers; providing exemptions to certain dig once requirements; and authorizing the Division of Highways to, upon approval of the Governor, transfer or assign the ownership, control, or any rights related to any in-kind compensation received by the division to any other state agency"; to the Committee on the Judiciary.

**By Delegates Foster and Higginbotham:**

**H. B. 2417** - "A Bill to amend and reenact §17C-14-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Foster, Higginbotham, Rowan, Fast, Pack, Steele, Phillips, Summers, Kessinger and Cadle:**

**H. B. 2418** - "A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to including family court judges in the Judges' Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Shott, Householder and Summers:**

**H. B. 2419** - "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; requires 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 sets forth exceptions when a person may not be released on his or her own recognizance"; to the Committee on the Judiciary.

**By Delegates Summers, Caputo, Pethtel, Pyles and Miley:**

**H. B. 2420** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12,



all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability”; to the Committee on Government Organization.

**By Delegate Summers:**

**H. B. 2421** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all related to establishing a minimum monthly retirement annuity of \$750 for those retirants with 20 or more years of credited service”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Summers:**

**H. B. 2422** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to the time for the observation of ‘Celebrate Freedom Week’”; to the Committee on Education.

**By Delegates Foster, Higginbotham, Fast, Linville, Pack, Steele, Phillips, Kessinger, Porterfield, Fleischauer and Staggers:**

**H. B. 2423** - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain sex offenders from being in a supervisory position over children”; to the Committee on the Judiciary.

**By Delegates Staggers, C. Thompson and S. Brown:**

**H. B. 2424** - “A Bill to amend and reenact §16-29B-1, §16-29B-3, and §16-29B-5 of the Code of West Virginia, 1931, as amended, all relating to changing the name of the Health Care

Authority to the Health Care Cost Review Authority; requiring the Health Care Cost Review Authority to provide extensive information to the public in order to make informed decisions on what health care providers to use; requiring annual public reports at no cost to the public; and requiring rule-making”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates C. Martin, Hamrick, Dean, Butler, Paynter, Hanna, Maynard and Fast:**

**H. B. 2425** - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to defining a work day and a one-half work day for school service personnel and removing a provision relating to employment of licensed practical nurses”; to the Committee on Education.

**By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Fluharty, Hartman, Miley and Swartzmiller:**

**H. B. 2426** - “A Bill to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating to allowing local authorities the authority to lower the speed limit on streets and highways where school buses travel; and providing that no lowering of a speed limit is effective until approved by the Commissioner of Highways”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Caputo, Longstreth, Pyles, Angelucci, Boggs, Miller, Campbell, Sponaule, Hartman, Miley and Swartzmiller:**

**H. B. 2427** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Ellington, Hill, Pack, Dean, Atkinson, Wilson, Bates, Fleischauer, Staggers and Pushkin:**

**H. B. 2428** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, and §16-56-6, all relating

to creating a state administered wholesale drug importation program”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Kump, Householder, McGeehan and Cooper:**

**H. B. 2429** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-55, relating to the creation of the Vehicle Registration Scofflaw Elimination Program to help identify residents who have failed to register their vehicles with the Division of Motor Vehicles”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Kump, Householder and McGeehan:**

**H. B. 2430** - “A Bill to amend and reenact §16-13-23a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-13A-9 of said code, all relating to prohibiting any state entity from forcing currently owner-occupied residences to be required to participate in a public sewer or public water system except under certain circumstances”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Kump and Householder:**

**H. B. 2431** - “A Bill to amend and reenact §5-10-2 and §5-10-17 of the Code of West Virginia, 1931, as amended, all relating to eliminating eligibility for participation in the Public Employees Retirement System for those newly elected or appointed as members of the State Legislature after the year 2020”; to the Committee on Pensions and Retirement then the Judiciary.

**By Delegates Kump and Householder:**

**H. B. 2432** - “A Bill to repeal §3-5-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-6-13, all relating to electing members of county school boards on a nonpartisan basis in general elections only; and providing that members elected in primary elections shall continue on the boards until any new members take office”; to the Committee on Education then the Judiciary.

**By Delegates J. Kelly, Cooper, Waxman, Atkinson, Wilson, Steele, Dean, Campbell, D. Kelly, Hanna and Fast:**

**H. B. 2433** - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day"; to the Committee on Education.

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

**H. B. 2434** - "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"; to the Committee on the Judiciary.

**By Delegates Hanshaw (Mr. Speaker), Shott, Canestraro, Nelson, Miley and Bates:**

**H. B. 2435** - "A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-3-2 of said code, all relating to authorizing and empowering the Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations under certain conditions; providing that CSI recommend prosecution of state criminal law violations to appropriate county prosecutor; providing that, if county prosecutor has not pursued the matter within six months, CSI must recommend the matter to the Attorney General; empowering and authorizing the Attorney General to prosecute violations of criminal law referred by CSI under certain conditions; and empowering the Attorney General to impanel a grand jury and prosecute a person indicted by that grand jury; to the Committee on the Judiciary.

**By Delegate Capito:**

**H. B. 2436** - "A Bill to repeal §16-22-5 and §16-22-6, of the Code of West Virginia, 1931, as amended; to repeal §16-22A-1, §16-22A-2, §16-2D-3, and §16-2D-4 of said code; to repeal §16-44-1 and §16-44-2, of said code; to amend and reenact §16-22-1, §16-22-2, and §16-22-3, of said code; all relating to diseases in newborn children; adding diseases to be tested; removing redundant code sections; providing rule-making authority, and making technical changes"; to the Committee on Health and Human Resources.

**By Delegates Ellington, Summers, Hill, Pack, Atkinson, Worrell, D. Jeffries and Hollen:**

**H. B. 2437** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to transitioning foster children into managed care"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hartman:**

**H. B. 2438** - “A Bill to amend and reenact §5H-1-1, §5H-1-2, and §5H-1-3 of the Code of West Virginia, 1931 as amended, all relating generally to survivor benefits for emergency response providers; changing the name of the West Virginia Fire and EMS Survivor Benefit Act to the ‘West Virginia Emergency Responders Survivor Benefit Act’; making Division of Forestry personnel who die as a proximate result of their participation in wildland fire fighting, emergency response, or disaster response operations eligible for survivor benefits; defining terms; making technical changes; and reorganizing language in the act for clarity”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Maynard, Azinger, Cooper, Jennings, Lovejoy, Miller, Sponaugle and Sypolt:**

**H. B. 2439** - “A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; to amend and reenact §12-4-14 of said code; to amend said code by adding thereto a new section, designated §12-4-14b; and to amend and reenact §29-3-5f of said code, all relating to fire service equipment and training funds for volunteer and part-volunteer fire companies and departments; authorizing fire departments to file bank statements and check images instead of sworn statements of expenditures; prohibiting the commingling of funds; requiring retention of payment records; defining certain terms; changing deadline dates; authorizing forfeiture and redistribution of funds of delinquent fire departments; prohibiting the conversion of funds through returns or refunds of goods or services; providing for deductions from quarterly distributions to offset improper expenditures by a fire company or department; clarifying the responsibility for proposing legislative rules; requiring written notifications of delinquencies and misapplication of funds; providing a procedure to contest findings of Legislative Auditor; removing certain criminal penalties; and updating outdated language”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegate Hollen:**

**H. B. 2440** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16,

relating to granting a veteran with a 100 percent service-connected disability a \$10,000 exemption from the assessed value for one vehicle that is not used for commercial purposes”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Foster, Higginbotham, Steele, Kessinger, Howell, Fast and Cadle:**

**H. B. 2441** - “A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to removing certain requirements related to wages for construction of public improvements”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Caputo:**

**H. B. 2442** - “A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Pack and Cooper:**

**H. B. 2443** - “A Bill to amend and reenact §30-7-5 of the Code of West Virginia, 1931, as amended, relating to granting the West Virginia Board of Examiners for Registered Professional Nurses the sole authority for the accreditation of nursing schools”; to the Committee on Health and Human Resources.

**By Delegate Canestraro:**

**H. B. 2444** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, §7-4A-8, §7-4A-9, and §7-4A-10, all relating to creating the Prosecuting Attorney’s Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of detectives; providing for compensation of detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions”; to the Committee on the Judiciary.

## Special Calendar

### Second Reading

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

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

And,

**H. B. 2351**, Relating to regulating prior authorizations.

### 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. 2028**, Limiting supervision of laying of lines on state rights-of-way,

**Com. Sub. for H. B. 2038**, Relating to the procedure to determine if an occupation or profession should be regulated,

**Com. Sub. for H. B. 2128**, Allowing state employees to take paid leave to attend parent-teacher conference for their children,

And,

**Com. Sub. for H. B. 2183**, Clarifying where a charge of DUI may be brought against an individual.

### 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 C. Martin for H. B. 2067
- Delegates Angelucci and Walker for H. B. 2121
- Delegate Rohrbach for H. B. 2185



- Delegate Barrett for H. B. 2191
- Delegate Harshbarger for H. B. 2219
- Delegate Kump for H. B. 2421 and H. J. R. 5
- Delegate Lovejoy for H. B. 2382, H. B. 2383 and H. B. 2396

At 11:14 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 16, 2019.



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Wednesday, January 16, 2019

## EIGHTH DAY

[MR. SPEAKER, MR. HANSHAW, 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 Tuesday, January 15, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2190**, Modifying bail requirements,

And reports back a committee substitute therefor, with a new title, 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,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2077**, Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present,

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. 2077) was referred to the Committee on the Judiciary.

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

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

**H. B. 2319**, Creating a state-administered wholesale drug importation program,

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. 2319) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2311**, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired,

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

### **Resolutions Introduced**

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

**H. C. R. 6** - "Requesting the Division of Highways name bridge number 20-60-36.23 (20A160), locally known as U. S. 60 Cedar Grove Overpass 3565 Bridge, carrying U. S. 60 over County Route 81, Kanawha County, the 'U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge'."

Whereas, Earl Russell Cobb, known throughout his life as "Russell", was born on October 24, 1946, and grew up in Kanawha County, West Virginia; and

Whereas, Russell Cobb graduated from Cedar Grove High School in the Class of 1966; and

Whereas, Russell Cobb entered the United States Army to serve as a Private First Class in the 22nd Infantry Regiment of the 25th Infantry Division; and

Whereas, Private First Class Cobb was killed in action on September 4, 1967, just five months into his tour of duty and is now listed on panel 25E, line 96, of the Vietnam Veterans Memorial in Washington, D.C.; and

Whereas, Carl Bradford "Punkin" Goodson was born on October 14, 1948, and grew up in Kelly's Creek outside of Cedar Grove, West Virginia; and

Whereas, Carl Bradford Goodson graduated from Cedar Grove High School in the Class of 1967 and was a member of the Church of God at Ward, West Virginia; and

Whereas, Carl Bradford Goodson served in the United States Army, Light Weapons Infantry, 101st Airborne Division with the rank of Specialist 4; and

Whereas, Specialist Goodson was killed in action on April 6, 1970, just five months into his tour of duty and is now listed on panel 12W, line 101, of the Vietnam Veterans Memorial in Washington, D.C., and is buried in the Ward Cemetery at Ward, West Virginia; and

Whereas, George Thomas Saunders Jr. was born on February 28, 1942, and grew up in the community of Cedar Grove, West Virginia; and

Whereas, George Thomas Saunders Jr. graduated from Cedar Grove High School in the Class of 1959; and

Whereas, George Thomas Saunders Jr. joined the United States Army, served six years, and attained the rank of Staff Sergeant; and

Whereas, Staff Sergeant Saunders was posted to the First Military Police Company in the First Infantry Division in the Republic of Vietnam in 1965; and

Whereas, Staff Sergeant Saunders was killed in hostile fire on October 31, 1965, less than two weeks into his tour of duty and is now listed on panel 3E, line 10, of the Vietnam Veterans Memorial in Washington, D.C., and is buried at Woodland Cemetery in Cedar Grove, West Virginia; and

Whereas, It is fitting that an enduring, local memorial be established to commemorate the service of Private Cobb, Specialist Goodson, and Sergeant Saunders and the sacrifice of three young men from the community of Cedar Grove, West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-60-36.23 (20A160), locally known as U. S. 60 Cedar Grove Overpass 3565 Bridge, carrying U. S. 60 over County

Route 81, Kanawha County, the “U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders Jr. 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 Rowe, Robinson and Estep-Burton offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 7** - “Requesting the Division of Highways name bridge number 20-83-8.49 (20A266), locally known as Standard Bridge, carrying County Route 83 spur over Paint Creek in Kanawha County, the ‘Kidd Brothers Bridge’.”

Whereas, Charles Edward Kidd was born on March 26, 1918, and served in the U. S. Army in World War II; and

Whereas, Having arrived at Pearl Harbor on December 6, 1941, Charles Edward Kidd was awakened the following morning, December 7, 1941, by the infamous Japanese air attack; and

Whereas, Howard Clifford Kidd was born on April 25, 1920, and served in the U. S. Air Force in World War II; and

Whereas, Frank James Kidd was born on January 20, 1922, and served in the U. S. Army in World War II; and

Whereas, Frank James Kidd was a medic on the beach during the Allied invasion of Normandy on June 6, 1944; and

Whereas, Fred Alfred Kidd was born on February 11, 1924, and served in the U. S. Air Force in World War II; and

Whereas, Mark Edgar Kidd was born on November 7, 1925, and served in the U. S. Marine Corps in World War II; and

Whereas, Mark Kidd was in the Iwo Jima and Okinawa invasions, and during the latter invasion he saw the bomb drop on Hiroshima, saying, “It gave us a pretty good jar.”; and

Whereas, While on Iwo Jima, Mark Kidd also witnessed another momentous event, the raising of the flag, which Joe Rosenthal memorialized in his iconic photograph; and

Whereas, Narry Wesley Kidd Jr. was born on October 31, 1934, and served in the U. S. Navy in the Korean War; and

Whereas, The six Kidd brothers were the sons of Wesley and Annie Kidd, who also had seven daughters; and

Whereas, Narry Wesley Kidd Jr. remembers that when his five brothers served during World War II, his mother placed a miniature flag and a star on the front window of their home in Standard for each of them while they were in the service; and

Whereas, The five Kidd brothers were among the 54 men from Standard who served their country during World War II, and were among the 52 who returned home; and

Whereas, Of the six brothers, only Narry Wesley Kidd, Jr. is still living; and

Whereas, The Kidd family remembers that the brothers never discussed among themselves their service in the armed forces; and

Whereas, It is appropriate to name this bridge to honor the six Kidd brothers’ service to their state and; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 20-83-8.49 (20A266), locally known as Standard Bridge, carrying County Route 83 spur over Paint Creek in Kanawha County, the “Kidd Brothers Bridge”; and, be it



*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Kidd Brothers 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.

### **Petitions**

Delegate Rowe presented a petition signed by citizens of the State supporting implementation of the Make a Plan (MAP) for Alzheimer’s disease; which was referred to the Committee on Finance.

### **Bills Introduced**

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

#### **By Delegate Pushkin:**

**H. B. 2445** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, creating the Independent Redistricting Commission of the Joint Committee on Government and Finance; establishing the Redistricting Commission’s purpose and composition; providing qualifications and appointment procedure for commission members; establishing a process for filling commission vacancies; establishing that commission members are not to receive compensation; providing for approved reimbursement of commission member expenses; providing for payment of necessary equipment and materials; requiring the commission to acquire appropriate information; requiring the commission to develop programs and procedures to draw congressional and legislative redistricting plans on the basis of the federal census; to prepare congressional and legislative redistricting; requiring the commission plan and propose congressional and legislative districts; providing specific criteria that the redistricting office must observe in proposing district mappings; requiring the redistricting office to advertise a proposed draft map of districts to

the public; requiring a period for public comment on the proposed redistricting plan; providing for members of the legislature to make inquiries about the commission's methodology or proposed redistrict mapping; requiring the commission to publish a report and final proposals for district boundaries; requiring a recommended redistricting plan to the Legislature including identical bills for consideration by the House and Senate; requiring the full Legislature to vote on plan ratification; providing for subsequent submissions of plans and vote by Legislature; requiring that commission certify to the Secretary of State that its final proposal for district boundaries is in accordance with Constitutional and legal requirements; and prohibiting certain persons from influencing or attempting to influence district mapping proposals of the redistricting office; and providing for completion of the commission's work with certain exceptions"; to the Committee on the Judiciary then Finance.

**By Delegate Hollen:**

**H. B. 2446** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, §15-3C-6, and §15-3C-7 of said code, all relating to the establishment of an alert system for law-enforcement officers missing in the line of duty or person suspected of killing or inflicting life threatening injuries upon a law-enforcement officer who remain at large; providing legislative findings and declarations relative to the Blue Alert plan; establishment of a Blue Alert program; definitions; activation of a Blue Alert; notice to participating media; broadcasting of a Blue Alert; notification to the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the Blue Alert; termination of the Blue Alert; immunity from criminal or civil liability; and authorization to promulgate guidelines and procedural rules"; to the Committee on the Judiciary.

**By Delegates Kump, Householder, McGeehan and Cooper:**

**H. B. 2447** - "A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting kindergartens, preschools and school education programs that are

operated by a private school whose accreditation includes its preschool classes and is recognized by the State Department of Education under Policy 2330 from state licensure requirements”; to the Committee on Education then Finance.

**By Delegates Robinson, Dean, P. Martin, Rohrbach, Campbell, Cooper, Pack, Atkinson, Miller, Canestraro and Lovejoy:**

**H. B. 2448** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; and to amend said code by adding thereto a new section, designated §18-2B-9; to amend said code by adding thereto a new article designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, and §18-33-4, all relating to vocational and technical education programs; requiring State Board and Commerce Department create lists of apprenticeships and certifications and credentials to provide students; providing for Governor’s Workforce Credential initiative; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state and requiring county school districts to provide certain information to students; establishing the Governor’s Workforce Credential; establishing requirements for the Governor’s Workforce Credential; mandating graduation recognition for recipients of credential; and creating monetary incentive for schools who graduate recipients of credential”; to the Committee on Education then Finance.

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

**H. B. 2449** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways;

providing that certain high school graduates shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education (Board) and the West Virginia Council for Community and Technical College Education (Council) promulgate joint guidelines; requiring the division of vocational education and the Council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the Council to award WV Invests Grants under certain terms and conditions; requiring the Council to report certain information on the WV Invests Grant Program; requiring the Council to promulgate rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; establishing the WV Invests Fund”; to the Committee on Education then Finance.

**By Delegate Rowe:**

**H. B. 2450** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; to amend and reenact §18C-1-5 of said code, and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary education program in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; altering the membership of the Higher Education Student Financial Aid Advisory Board; requiring community and technical colleges establish partnerships with career technical education centers,

county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund”; to the Committee on Education then Finance.

**By Delegate Rowe:**

**H. B. 2451** - “A Bill to amend and reenact §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5, §18C-7A-6, §18C-7A-7, and §18C-7A-8, all relating to creation of a merit-based scholarship program for tuition and fee payments for certain students attending state community and technical college education and public career and technical education centers programs; establishing the Katherine Johnson Hope Scholarship Program; providing that the program is merit based that provided funding up to four semesters of the equivalent for certain students; providing legislative findings and purpose; providing eligibility requirements and conditions; defining terms; providing that the West Virginia Higher Education Policy Commission administer the program; authorizing legislative rulemaking by the commission; authorizing the Commission to enter into contracts and take other necessary actions to implement and administer the program; and establishing a special revenue fund”; to the Committee on Education then Finance.

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

**H. B. 2452** - “A Bill to repeal §5A-6-4a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-6B-1, §5A-6B-2, §5A-6B-3, §5A-6B-4, and §5A-6B-5, all relating to cybersecurity of state government; removing the requirements of the Chief Technology Officer to oversee security of government information; creating the Cybersecurity Office; defining terms; providing that the Chief Information Security Officer to oversee the Cybersecurity Office; authorizing the Chief Information Security Officer to create a cybersecurity framework, to assist and provide guidance to agencies in cyber risk strategy and setting forth other duties; providing rule-making authority; requiring agencies to undergo cyber risk assessments; establishing scope of authority; exempting certain state entities; designating reporting requirements; requiring agencies to address any cybersecurity deficiencies; and exempting information related to cyber risk from public disclosure”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Rowe:**

**H. B. 2453** - “A Bill to amend §62-12-13 of the Code of West Virginia, 1931, as amended, relating to eligibility for parole; providing that any inmate of a state correctional institution is eligible to petition for parole when good time credits and actual time served equal 30 years”; to the Committee on the Judiciary.

**By Delegates Rowe, Estep-Burton and Robinson:**

**H. B. 2454** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-23a, relating to allowing low income senior citizens to receive certain tax credits without filing a state income tax return”; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegates Paynter, Dean, Maynard, Cooper, C. Martin,  
McGeehan, Linville, Campbell, Storch, R. Thompson and  
Cadle:**

**H. B. 2455** - “A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating to redirecting excise tax revenue on bottled soft drinks from West Virginia

University schools to the Public Employees Insurance Agency”; to the Committee on Banking and Insurance then Finance.

**By Delegates Kump and McGeehan:**

**H. B. 2456** - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to the definition of a political party for all state and local elections; providing official ballot status to a political party that has received at least one percent of the votes in the preceding general election for a statewide office or has at least 5,000 voters registered as members of that party; and making the definition applicable to municipalities”; to the Committee on the Judiciary.

**By Delegates Kump, Householder, McGeehan and Cooper:**

**H. B. 2457** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to creating the Educational Equality Act; authorizing a tax credit for parents and legal guardians whose children attend a nonpublic school; prohibiting the creation of additional regulations over the education of a child whose parent or legal guardian receives the tax credit; and authorizing rulemaking”; to the Committee on Education then Finance.

**By Delegates Kump, Householder, McGeehan, Cooper and Malcolm:**

**H. B. 2458** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17B-8-1, relating to providing that West Virginia will not participate in the REAL ID Act of 2005 enacted by the United States Congress in Public Law 109-13”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Shott:**

**H. B. 2459** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-3a, relating to exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law”; to the Committee on the Judiciary.

**By Delegate Williams:**

**H. B. 2460** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-10A-

101, §48-10A-102, §48-10A-201, §48-10A-202, §48-10A-203, §48-10A-204, §48-10A-301, §48-10A-401, §48-10A-402, §48-10A-403, §48-10A-501, §48-10A-502, §48-10A-601, §48-10A-602, §48-10A-701, §48-10A-702, §48-10A-801, §48-10A-802, §48-10A-901, §48-10A-902, §48-10A-1001, §48-10A-1002, §48-10A-1101, and §48-10A-1201; and to amend and reenact §51-2A-2 of said code, all relating to the creation of a statutory right to petition circuit and family courts in West Virginia for sibling visitation with minor children”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Williams:**

**H. B. 2461** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; defining food, water, shelter and treatment; providing specifics for tethering an animal; providing for seizure of an animal for violations; increasing criminal penalties; and providing that a person in violation of this statute for a second time shall be added to a state-wide, publicly available, do not adopt or sell, registry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Hollen:**

**H. B. 2462** - “A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to issue a certificate to correctional employees to carry firearms in the course of their duties; establishing training requirements for the issuance of the certificate; establishing the form of the certificate; and requiring the correctional employee to carry the certificate at all times when carrying a firearm or weapon in the course of his or her duties”; to the Committee on the Judiciary.

**By Delegate Williams:**

**H. B. 2463** - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage based upon increases in the consumer price index”; to the Committee on Industry and Labor then Finance.



**By Delegate Williams:**

**H. B. 2464** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12”; to the Committee on Education then Finance.

**By Delegate Fast:**

**H. B. 2465** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to commercial motor carriers generally; providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers; and requiring the commission to propose rules for legislative approval to implement the amended provisions of this section”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Pack, Steele, Graves, Worrell, Howell, Paynter, Caputo and C. Martin:**

**H. B. 2466** - “A Bill to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended, relating to providing for state employees to drive veterans to and from certain appointments”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:**

**H. B. 2467** - “A Bill to amend and reenact §61-7-4 of this Code of West Virginia, 1931, as amended, relating to permitting nonresidents to obtain state licenses to carry a concealed deadly weapon; providing that concealed weapons licenses may only be issued for pistols and revolvers; establishing a fee; and providing how that fee is to be used”; to the Committee on the Judiciary.

**By Delegates Cooper, Hartman and R. Thompson:**

**H. B. 2468** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the

‘Department of Agriculture Capital Improvements Fund’; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating certain deposits in the General Revenue Account; permitting deposits into certain funds; and making technical corrections”; to the Committee on Agriculture and Natural Resources then Finance.

### Special Calendar

#### Third Reading

**H. B. 2164**, Clarifying that appeals to the Supreme Court are a matter of right; 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. 1**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2164) 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. 2351**, Relating to regulating prior authorizations; 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. 2**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2351) passed.

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

#### Second Reading

**Com. Sub. for H. B. 2028**, Limiting supervision of laying of lines on state rights-of-way; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Harshbarger, the bill was amended on page one, section nine-b, line one, by striking out the words “water or sewer lines” and inserting in lieu thereof the words “water lines, sewer lines, utilities or pipelines”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2038**, Relating to the procedure to determine if an occupation or profession should be regulated; 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. 2128**, Allowing state employees to take paid leave to attend parent-teacher conference for their children; 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. 2183**, Clarifying where a charge of DUI may be brought against an individual; 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:

**H. B. 2185**, Relating to the removal of animals left unattended in motor vehicles,

And,

**Com. Sub. for H. B. 2307**, Relating to creating a provisional license for practicing barbering and cosmetology.

### **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 Cadle for H. B. 2070
- Delegate Capito for H. B. 2408
- Delegate Cowles for H. B. 2203 and H. B. 2441
- Delegate Ellington for H. B. 2201
- Delegate Jennings for H. B. 2203
- Delegate Kump for H. B. 2445
- Delegate Lovejoy for H. B. 2340
- Delegate Rohrbach for H. B. 2345
- Delegate Westfall for H. B. 2421
- Delegates Fleischauer, Fluharty, D. Kelly, Pushkin and Wilson for H. B. 2190

At 11:35 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 17, 2019.

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Thursday, January 17, 2019

## NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 16, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2362**, Relating to procedures for voting an emergency absentee ballot by qualified voters,

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

**Com. Sub. for H. B. 2362** - "A Bill to amend and reenact §3-3-5c of the Code of West Virginia, 1931, as amended, relating to procedures for voting an emergency absentee ballot by qualified voters; and providing a mechanism to allow a qualified voter who is confined to a specific location within the county other than a hospital or other duly licensed health care facility or a nursing home and is prevented from travelling to a polling place and voting in person because of illness, injury or other medical reason, or a physical disability or immobility due to extreme advanced age,"

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. 2008**, Relating to nonpartisan election of justices of the Supreme Court of Appeals,

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

**Com. Sub. for H. B. 2008** - "A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; and providing that when no candidate receives at least forty percent of the total votes cast in a division for that office, that a runoff election for that seat is to be held concurrent with the general election, which shall include only those two candidates receiving the highest and second highest number of votes cast in that election held concurrently with the primary election,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2005**, Broadband Expansion Act of 2019,

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. 2005) 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. 2193**, Providing a specific escheat of US savings bonds,

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

**Com. Sub. for H. B. 2193** - “A Bill to amend and reenact §36-8-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-8-2a, all relating to providing for the specific escheat of United States savings bonds and all rights and legal title thereto; and defining terms,”

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. 10** - “A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance Driver’s License Program; providing that court’s accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant’s completion of the program; and providing that amounts of court costs collected under the Second Chance Driver’s License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program”; which was referred to the Committee on Technology and Infrastructure 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. 24** - “A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds”; which was referred to the Committee on Political Subdivisions 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. 27** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played”; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 28** - “A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services”; 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 July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 36** - “A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined benefit pension plans that have been terminated with a consequent reduced benefit; and reinstating the effective period of the allowed adjustment”; which was referred to the Committee on Pensions and Retirement then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 106** - “A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunsetting the credit for income tax paid on foreign income in 2069”; which was referred to the Committee on Small Business, Entrepreneurship and Economic Development 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

**S. B. 177** - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 190** - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to employment procedures”; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

### **Resolutions Introduced**

Delegates Higginbotham, J. Kelly, Harshbarger, Maynard, Linville, Summers, Kessinger, Cowles, J. Jeffries and Mandt offered the following resolution which was read by its title and referred to the Committee on Energy then Rules:

**H. R. 6** - “Recognizing the importance of West Virginia’s energy resources and critical energy infrastructure to support economic development and national security.”

Whereas, West Virginia’s natural gas and energy reserves and production have increased significantly in recent years due to the exploration occurring in the Utica and Marcellus Shale formations; and

Whereas, West Virginia is now the ninth-largest natural gas producing state in the nation, providing five percent of our country’s total energy; and

Whereas, The natural gas and oil industry supported over 70,000 jobs both directly and indirectly and added \$8 billion to the West Virginian economy; and

Whereas, Pipelines and transmission lines serve a critical role in delivering natural gas, petroleum, and electricity in order to meet our growing energy needs; and

Whereas, Denying the expansion and construction of existing and new pipeline projects would stop the significant revitalization of communities and manufacturing industries in West Virginia; and

Whereas, The U. S. Department of Energy has identified the benefits that West Virginia can accrue with the establishment of an

ethane storage and distribution hub to promote diversity of supply and geography, alleviating the strategic risk our country faces as a result of a lack of redundancy and flexibility; and

Whereas, West Virginia is business friendly and welcomes investments in the state and local economy; and

Whereas, West Virginia's neighbors, including Ohio and Pennsylvania, have benefitted from using natural gas to attract industry; and

Whereas, The natural gas intensive industry sector in Ohio has an output of \$160 billion and Pennsylvania has an output of \$156 billion in comparison to West Virginia's output of \$18 billion; and

Whereas, Ohio and Pennsylvania have over 300,000 jobs in natural gas intensive industry sector while West Virginia has over 30,000 jobs in the natural gas intensive industry sector; therefore, be it

*Resolved by the House of Delegates:*

That we, the members of the House of Delegates of the 84<sup>th</sup> Legislature of the State of West Virginia, support the ongoing and continued development of West Virginia's energy resources, pipeline, and energy infrastructure in the State of West Virginia; and, be it

*Further Resolved,* That we, the members of the House of Delegates of the 84<sup>th</sup> Legislature of the State of West Virginia, support ongoing economic development efforts to attract end-users of electricity and natural gas to expand our state's economy and create family sustaining jobs; and, be it

*Further Resolved,* That the Clerk transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the members of the West Virginia Congressional delegation, and the news media of West Virginia.

Delegates Kump, Bibby, Wilson, Householder and Hardy offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 8** - “Requesting the Division of Highways to update the previous preliminary engineering study on the costs and benefits of extending West Virginia Route 9 westward from Martinsburg to Berkeley Springs, in the form of a four-lane highway, bypassing the town of Hedgesville.”

Whereas, Increased intrastate travel will promote tourism, reduce traffic congestion, increase safety and promote economic growth within the state, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to update the previous preliminary engineering study on the costs and benefits of extending West Virginia Route 9 westward from Martinsburg to Berkeley Springs, in the form of a four-lane highway, bypassing the town of Hedgesville; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to report to each house of the Legislature on its findings, conclusions and recommendations, no later than January 1, 2020.

Delegates Caputo, Longstreth and Angelucci offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 9** - “Requesting the Division of Highways rename bridge number 25-64/1-0.04 (25A106), locally known as Kingmont Road Overpass, carrying Route 64 over Interstate 79 in Marion County, as the ‘Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin “Benny” Hamrick, USMC Vietnam””.

Whereas, Jarrett Lee Springer, born July 24, 1924, and Benjamin “Benny” Hamrick, born September 5, 1990, both hailed from Kingmont; and

Whereas, Jarrett Lee Springer enlisted in the United States Army during World War II and Benjamin Hamrick enlisted in the United States Marine Corps during the Vietnam War; and

Whereas, Jarrett Springer gave his life in combat in 1944 during World War II and Benjamin Hamrick was killed in action in Quang Tri Province, Vietnam, on August 8, 1966; and

Whereas, It is fitting that an enduring memorial be established to commemorate PRVT Jarrett Springer and PFC Benjamin “Benny” Hamrick and each of their 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 rename bridge number 25-64/1-0.04 (25A106), locally known as Kingmont Road Overpass, carrying Route 64 over Interstate 79 in Marion County, as the “Kingmont Veterans Bridge PVT Jarrett Springer, U. S. Army WWII, PFC Benjamin “Benny” Hamrick, USMC Vietnam Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Kingmont Veterans Bridge U. S. Army PVT Jarrett Springer and USMC PFC Benjamin “Benny” Hamrick 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 offered the following resolution, which was read by its title and referred to the Committee on Veterans’ Affairs and Homeland Security then Rules:

**H. C. R. 10** - “Designating September 1<sup>st</sup> through September 7<sup>th</sup>, 2019, as Resiliency Week in West Virginia.”

Whereas, Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters; and

Whereas, Hazard mitigation is most effective when implemented under a comprehensive, long-term mitigation plan; and

Whereas, The Pre-Disaster Mitigation Grant Program, administered by the Federal Emergency Management Agency, is designed to assist states and local communities in implementing a sustained pre-disaster natural hazard mitigation program; and

Whereas, Federal legislation recently signed into law, the Disaster Recovery Reform Act, makes available new dollars for states and communities to undertake pre-disaster mitigation measures and creates new incentives for states to build resiliently; and

Whereas, Since 1908, natural disasters have cost the country more than \$1 trillion; and

Whereas, Disasters affect the local and state economies in lost payrolls, lost sales and income tax, and increased disaster recovery times; and

Whereas, According to a FEMA commissioned study conducted by the National Institute of Building Sciences, every \$1 spent on hazard mitigation provides the nation with \$6 in future benefits; and

Whereas, Twenty-five percent of small businesses that are impacted by a natural disaster never reopen their doors; and

Whereas, September is National Preparedness Month and West Virginia Preparedness Month in recognition of the need for all Americans to prepare and plan for recovery after a disaster; and

Whereas, Mitigation planning is a key process used to break the cycle of disaster damage, reconstruction, and repeated damage; and

Whereas, Effective pre-disaster mitigation reduces the demand for relief services on volunteer organizations such as disaster rescue and recovery teams, along with food banks and homeless shelters who serve our communities by changing their operations to provide additional services to those affected by disaster; and

Whereas, This body honors the brave men and women who, as first responders, selflessly provide aid in a disaster to safeguard West Virginia's citizens; and

Whereas, This body encourages West Virginia communities to build resiliently and develop long-range mitigation strategies for protecting people and property from future hazard events; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby designates the week of September 1<sup>st</sup> through September 7<sup>th</sup>, 2019, as Resiliency Week in West Virginia to raise public awareness about the continuing need to plan for future disasters by instituting a pre-disaster mitigation strategy.

Delegates Summers, Hamrick, Waxman, Queen, Miley, Sypolt and Jennings offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 11** - "Requesting the Division of Highways name bridge number 46-50-16.56 (46A040) (39.34488, -79.94344), locally known as Thornton Bridge, carrying U. S. Route 50 over Three Fork Creek & CSX Railroad in Taylor County, the 'U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge'."

Whereas, Timothy Allen Bolyard was born January 15, 1976, in Morgantown, West Virginia, a son of Marvin D. and Sandra Jo

(Isner) Bolyard. He was killed in the line of duty in Logar Province of Afghanistan, September 3, 2018. He is survived by his wife, Amy J. (Lynn) Bolyard, Fort, Benning, Georgia, three children, Preston A. Bolyard, Colorado Springs, Colorado, Casey L. Settle (Leanna), Maricopa, Arizona, and Melanie Rose Bryan-Brown (Richard), Montgomery, Alabama, a sister, grandchildren and other relatives; and

Whereas, Timothy graduated from Grafton High School with the Class of 1994 where he was known as “Caveman”. He enjoyed the outdoors including hiking, fishing, hunting, and was a “grill master”. Immediately following graduation from Grafton High School he joined the United States Army. He entered OSUT training in 1994 at Fort Knox, Kentucky where he was awarded the MOS of 19D, Cavalry Scout. He served in a variety of positions including Dismounted Scout, Driver, Gunner, Team Leader, Squad Leader, Section Leader, Platoon Sergeant, First Sergeant, Armor Branch Sergeant Major at Human Resources Command (HRC), Operations Sergeant Major at the Squadron, Brigade Combat Team and Division Level, and Squadron Command Sergeant Major. U. S. Army Command Sergeant Major Timothy A. Bolyard, was the highest enlisted soldier for 1<sup>st</sup> Squadron, 38<sup>th</sup> Cavalry Regiment, a unit that makes up 3<sup>rd</sup> Squadron, 1<sup>st</sup> Security Force Assistance Brigade (SFAB) out of Fort Benning, Georgia. He was on his 13<sup>th</sup> deployment overseas, eight of which were combat deployments. For his service, the command sergeant major was awarded the Bronze Star—the nation’s fourth highest military decoration—on six different occasions. Two of Bolyard’s Bronze Stars were given with valor, a device that denotes heroism in combat. Command Sergeant Major Bolyard’s awards and decorations include the Bronze Star Medal with Valor (1 OLC), Bronze Star Medal (3 OLCs), Meritorious Service Medal (3 OLC), Army Commendation Medal (5 OLCs), Army Achievement Medal (8 OLCs), Good Conduct Medal (7<sup>th</sup> award), National Defense Service Medal (with star device), Armed Forces Expeditionary Medal, Kosovo Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal, Armed Forces Service Medal, NCO Professional Development Ribbon (with 4 device), Army Service



Ribbon, Overseas Service Medal, United Nations Medal, NATO Medal (with star device), the Combat Action Badge, Drivers Badge Wheel, The Order of Saint George Bronze Award and also a member of the Sergeant Audie Murphy Club. Command Sergeant Major Bolyard was a graduate of the Combat Lifesaver Course, Small Arms Maintenance Course, Primary Leadership Development Course, HAZMAT Storage and Transportation Course, Master Fitness Trainer Course, 19D Basic Noncommissioned Officers Course, Scout Leader Course, 19D Advanced Noncommissioned Officers Course, and the Sergeants Major Course Class 63. He earned a bachelor's degree in business administration from Excelsior College in New York; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Command Sergeant Major Timothy Allen Bolyard and his contributions to our state and the supreme sacrifice for his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 46-50-16.56 (46A040) (39.34488, -79.94344), locally known as Thornton bridge, carrying U. S. Route 50 over Three Fork Creek & CSX Railroad in Taylor County, the "U. S. Army Command Sergeant Major Timothy Allen Bolyard 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 Command Sergeant Major Timothy Allen Bolyard 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 Cooper, Cadle and Pack offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 12** - "Requesting the Division of Highways name bridge number 13-60-19.90 (13A110), locally known in Lewisburg, West Virginia, as the Johnson Bridge, carrying U. S. Route 60 over Interstate 64, the 'Lee H. Johnson Bridge'."

Whereas, Lee Henry Johnson is a lifelong resident of Greenbrier County, West Virginia, where he has donated thousands of hours of community service; and

Whereas, Staff Sergeant Lee Henry Johnson served with distinction with the United States Army in the Korean War, earning the Bronze Star Medal with V for Valor, the Combat Medical Badge, Korean Service Medal with two Battle Stars, the Purple Heart Medal, the Sharpshooter's Badge, the U. S. Presidential Unit Citation Award, the Korean President Syngman Rhee Citation Ribbon, the National Defense Service Medal, the United Nations Service Medal, and the Army Good Conduct Medal; and

Whereas, Upon discharge from the U. S. Army, Lee H. Johnson started a trucking company and purchased a rock quarry while operating a 100-plus acre cattle farm, employing 60 persons in Greenbrier County with monthly payrolls of over \$100,000; and

Whereas, Lee H. Johnson is a 1954 charter member of the Clintonville Ruritan Club where he continues to be an integral member, and is a lifelong member of the James Chapel United Methodist Church at Clintonville where he has served as lay speaker, Sunday School Superintendent, Finance Committee Chairperson, and a member of the Believer's vocal quartet; and

Whereas, Lee H. Johnson and his wife Jean have been married for 67 years and are the proud parents of three children, five grandchildren, six great-grandchildren, two step-great grandchildren, and one step-great, great-grandchild; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 13-60-19.90 (13A110), locally known in Lewisburg, West Virginia, as the Johnson Bridge,

carrying US Route 60 over Interstate 64, the “Lee H. Johnson Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and placed signs identifying that bridge as the “Lee H. Johnson 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 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. 13** - “Requesting the Division of Highways name West Virginia State Route 46 in Keyser, Mineral County, West Virginia, from the intersection of WV 46 (Piedmont Street) and US 220 (Mineral Street) west to the Keyser city limit where Route 46 leaves the city as part of Carroll Avenue, the ‘Chief Robert Edward Dorsey Memorial Highway’.”

Whereas, Robert Edward Dorsey was born June 11, 1920, in Keyser, WV, the son of the late John and Helen (Fleming) Dorsey; and

Whereas, Robert Edward Dorsey served with honor in the U. S. Army in World War II, and saw action in Normandy, the Rhineland, the Ardennes, Northern France and Central Europe; and

Whereas, Robert Edward Dorsey was formerly employed as the Chief of Police for the City of Keyser, Sheriff of Mineral County, shop foreman at Smith Ford Sales and as a funeral assistant with Smith Funeral Home. He retired as the Clerk of the Circuit Court for Mineral County; and

Whereas, Robert Edward Dorsey was a member and Past Commander of Queen’s Point Memorial Post #6775, VFW, McCooole, Maryland and Boyce-Houser Post #41, American Legion, Keyser; and

Whereas, Robert Edward Dorsey was a longtime member of the Church of the Assumption, Keyser, Assumption Council 10545, Knights of Columbus, and Burlington Ruritan Club, where he served as Past President; and

Whereas, Robert Edward Dorsey was a life member and oldest active member of the Keyser Volunteer Fire Department, the Cumberland Valley Fireman's Association, Mineral County Firefighters Association and the West Virginia Fireman's Association; and

Whereas, Robert Edward Dorsey died September 19, 2018, at the age of 98; and

Whereas, It is fitting that an enduring memorial be established in the community where he contributed so much; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name West Virginia State Route 46 in Keyser, Mineral County, West Virginia, from the intersection of WV 46 (Piedmont Street) and US 220 (Mineral Street) west to the Keyser city limit where Route 46 leaves the city as part of Carroll Ave, the "Chief Robert Edward Dorsey Memorial Highway"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying that portion of the highway as the "Chief Robert Edward Dorsey Memorial Highway"; 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.

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

**By Delegates Pack, Steele, Foster, Campbell, J. Jeffries, Phillips, Worrell, Mandt, Toney, Linville and Higginbotham:**

**H. J. R. 14** - "Applying to and urging Congress to call a convention of the states, under the authority reserved to the states

in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States and to limit the terms of office that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate”; to the Committee on the Judiciary then Rules.

**By Delegates Kump, Paynter, Wilson and McGeehan:**

**H. J. R. 15** - “Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, relating to imposing a limit of eight consecutive years that a legislator may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegates Pack and Cooper:**

**H. J. R. 16** - “Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof, all relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

**By Delegates Householder, Anderson, Jennings, Waxman, Nelson, Steele, D. Jeffries, Foster, Criss, Wilson and Fast:**

**H. J. R. 17** - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated one-d, relating to ad valorem property taxation; providing that the valuation, assessment value, and exemption from ad valorem property taxation, fully or in part, of tangible inventory, machinery and equipment personal property, or any kind thereof, directly used in business activity shall be determined exclusively as provided by law; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Kessinger, Ellington, Hill, Summers, Pack, Storch, Rowan, Sypolt, Harshbarger, Phillips and Capito:**

**H. B. 2010** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-10, §49-2-113, and §49-2-708 of said code; to amend said code by adding thereto a new section, designated §49-2-111A; and to amend and reenact §49-4-108, §49-4-406, §49-4-413, §49-4-604, §49-4-608, §49-4-711, §49-4-714 and §49-4-724 of said code, all relating to foster care”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates Foster, Kessinger, Waxman, Storch, Dean, Fast, Miller, Hamrick, Hanna, Hornbuckle and Higginbotham:**

**H. B. 2470** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeship programs and employer-sponsored training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; providing for creation of lists of existing apprenticeships, certifications and other credentials that reflect existing workforce needs and for dissemination to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination in manner easily accessible to both students and their parents”; to the Committee on Industry and Labor then Education.

**By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:**

**H. B. 2471** - “A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing criminal

penalties for impersonation of law-enforcement officers or officials”; to the Committee on the Judiciary.

**By Delegates Linville, Householder, Lovejoy, Graves, Higginbotham, Summers, Skaff, Maynard, J. Jeffries, Hornbuckle and Jennings:**

**H. B. 2472** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for pollinators; and establishing a fee”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Pushkin and Hornbuckle:**

**H. B. 2473** - “A Bill to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the private ownership or operation of a prison in West Virginia”; to the Committee on the Judiciary.

**By Delegates Westfall, Azinger, Criss, D. Jeffries, Hamrick, Mandt and Nelson:**

**H. B. 2474** - “A Bill to amend and reenact §33-7-9 of the Code of West Virginia, 1931, as amended, relating to a reserving methodology for health insurance and annuity contracts; describing how the calendar year statutory valuation interest rate should be calculated regarding certain annuities and guaranteed interest contracts; and prescribing the minimum standard of valuation for health insurance contracts”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Westfall, Queen, D. Jeffries, Hott, Graves, Nelson, Malcolm, Atkinson, Cooper, Higginbotham and Sypolt:**

**H. B. 2475** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the ‘Department of Agriculture Capital Improvements Fund’; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating

certain deposits in the General Revenue Account; permitting deposits into certain funds; and making technical corrections”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Westfall, Azinger, Hott, D. Jeffries, Graves, Jennings, Criss, Mandt and Nelson:**

**H. B. 2476** - “A Bill to amend and reenact §33-6-33 of the Code of West Virginia, 1931, as amended, relating to the valuation of a motor vehicle involved in an insurance claim; deleting the requirement that a cash settlement value involving a claim for motor vehicle loss include an amount equal to the excise tax imposed by statute; and requiring that the cash settlement value include an amount equal to the consumers sales tax applied to the sale of motor vehicles”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Steele, Pack, Shott, D. Kelly and Householder:**

**H. B. 2477** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-17-3a, relating to establishing different rates of taxation for tobacco products for certain border counties”; to the Committee on Health and Human Resources then the Judiciary then Finance.

**By Delegates Steele and Pack:**

**H. B. 2478** - “A Bill to amend and reenact §47-11A-6 and §47-11A-9 of the Code of West Virginia, 1931, as amended, all related to costs and damages under the Fair Trade Practices Act”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates D. Jeffries, Westfall, Hott, Azinger, Graves, Sypolt, Criss, Mandt and Nelson:**

**H. B. 2479** - “A Bill to amend and reenact §33-33-2, §33-33-12 and §33-33-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-33-12a; and to amend said code by adding thereto a new article, designated §33-52-1, §33-52-2, §33-52-3, §33-52-4, §33-52-5, §33-52-6, §33-52-7, §33-52-8, and §33-52-9, all relating to the corporate governance practices of an insurance company or a group of insurers;



defining internal audit function; making an insurer's audit committee responsible for overseeing the insurer's internal audit function; providing that an insurer must establish an internal audit function with respect to the insurer's governance, risk management, and internal controls; requiring the head of an insurer's internal audit function to annually report to the insurer's audit committee about the periodic audit plan; exempting certain insurers from the internal audit function requirements; stating purpose of Corporate Governance Annual Disclosure Act; defining terms; requiring an insurer to annually submit to the insurance commissioner a corporate governance annual disclosure; describing the contents of the corporate governance annual disclosure; requiring that the corporate governance annual disclosure include a signature of the insurer's chief executive officer or corporate secretary; permitting the insurer to choose the corporate level that the corporate governance annual disclosure is applicable, depending upon how the insurer has structured its corporate governance system; allowing the insurer to comply with the corporate governance annual disclosure requirements by attaching other documents or referencing documents already in the possession of the insurance commissioner; requiring that documents and other information related to the corporate governance annual disclosure be confidential and privileged; permitting the insurance commissioner to share or receive, with the National Association of Insurance Commissioners and other regulatory bodies, the corporate governance annual disclosure and related documents; providing that the insurance commissioner may retain third-party consultants to assist the commissioner in reviewing the corporate governance annual disclosure and related information; subjecting such third-party consultants and the National Association of Insurance Commissioners to the same confidentiality standards as the insurance commissioner; setting forth the penalty for an insurer that fails to timely provide a corporate governance annual disclosure to the insurance commissioner; and providing for effective dates"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Hott, Westfall, Azinger, D. Jeffries, Graves, Jennings, Criss, Mandt and Nelson:**

**H. B. 2480** - "A Bill to amend and reenact §33-27-2 and §33-27-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-

27-6b, all relating to the regulation of an internationally active insurance group; defining group-wide supervisor and internationally active insurance group; providing authority for the insurance commissioner to act as a group-wide supervisor for an internationally active insurance group; permitting the insurance commissioner to acknowledge another regulatory official as the group-wide supervisor for an internationally active insurance group under certain criteria; requiring insurance companies to submit information necessary for the insurance commissioner to determine whether he or she may act as the group-wide supervisor for an internationally active insurance group; authorizing specific regulatory actions when the insurance commissioner is acting as a group-wide supervisor for an internationally active insurance group; allowing the insurance commissioner to enter into agreements with insurers regarding his or her role as group-wide supervisor for an internationally active insurance group; permitting the promulgation of rules; making insurers liable for the reasonable expenses of the insurance commissioner's participation as a group-wide supervisor for an internationally active insurance group; and rendering information provided by insurers to the insurance commissioner in connection with the commissioner's role as a group-wide supervisor for an internationally active insurance group as confidential and privileged"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Steele, Foster and Kessinger:**

**H. B. 2481** - "A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell alcoholic beverages from 10 a.m. to 10 p.m. on Sundays"; to the Committee on the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 2482** - "A Bill to repeal §15-5-4 and §15-5-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §15-1J-2 and §15-1J-4 of said code; to amend and reenact §15-5-1, §15-5-2, §15-5-3, §15-5-4b, §15-5-4c, §15-5-13, §15-5-24, and §15-5-26 of said code; and to amend and reenact §29-31-2, §29-31-3 and §29-31-4 of said

code, all relating to the reorganization of state agencies involved in emergency and disaster planning, response, recovery, and resiliency; providing legislative findings; modifying the powers and duties of the West Virginia Military Authority; designating a special revenue account to receive funding; creating the position of director of the Military Authority and providing qualifications; modifying definitions; reorganizing the Division of Homeland Security and Emergency Management (DHSEM) within the Adjutant General's Department; authorizing the DHSEM director to be appointed to serve in a dual capacity as the director of the Military Authority; modifying membership of the West Virginia Disaster Recovery Board; reorganizing the State Resiliency Office within the Adjutant General's Department; creating the position of director of the State Resiliency Office; eliminating the State Resiliency Office Board; and modifying the authority and duties of the State Resiliency Office"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

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

**H. B. 2483** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to incentives for mathematics teachers; acknowledging the importance of math instruction and the lack of certified educators to provide such instruction; requiring the Department of Education to develop or approve specialized mathematics courses, directing that the specialized mathematics courses be available to classroom teachers; directing that classroom teachers who complete the specialized mathematics courses receive a one-time \$2,000 payment; clarifying that teachers completing the specialized math courses after May 1 will receive the one-time \$2,000 payment in the following fiscal year; directing that the payment be made from the Mathematics Incentive Program line item; clarifying that payment is contingent upon legislative appropriations; directing the Department of Education to request a supplemental appropriation when the Mathematics Incentive Program line item is insufficient and how funds are to be distributed in instances when funds are insufficient to compensate all applicable teachers; clarifying that the payment is not to be

counted as part of the teacher's final average salary for the purpose of calculating retirement; clarifying that no retirement contribution will be withheld from the incentive; limiting the payment to classroom teachers providing math instruction in the teacher's certified area of study for at least 60 percent of time the teacher is providing instruction; and exempting elementary teachers from the 60 percent limitation"; to the Committee on Education then Finance.

**By Delegates Fleischauer, Pethtel, Williams, Pyles, Hansen, Walker, Jennings, Sypolt, Phillips, Miley and Hamrick:**

**H. B. 2484** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Pushkin, Miller, Kump, Rowe, Caputo, Byrd, McGeehan, Queen, Canestraro, Paynter and Wilson:**

**H. B. 2485** - "A Bill to repeal §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4 and 61-11B-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-11-26 of said code, all relating to expungement of criminal convictions; allowing expungement for nonviolent felonies; providing various time periods for eligibility of expungement based on type of crime; specifying types of crimes ineligible for expungement; revising

procedures for criminal expungements; providing procedures for preliminary and final orders for expungement; providing conditions for sealing, access and disclosures of records; allowing persons with expunged records to deny records existence; providing that sealed records are not to appear in criminal history record checks; defining terms; and providing for expiration of existing law reducing criminal status from felony to misdemeanor for certain crimes repealed in favor of these revised expungement requirements”; to the Committee on the Judiciary.

**By Delegate Shott:**

**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, 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 receiving a license to bear a rational nexus to duties and responsibilities of the profession or occupation; limiting 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”; to the Committee on the Judiciary.

**By Delegate Williams:**

**H. B. 2487** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-8e, relating to requiring the Commissioner of Highways to develop an app and a map that permits individuals to report, and keep track of, potholes on the roads and streets of the state”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Williams:**

**H. B. 2488** - “A Bill to amend and reenact §46A-6L-101 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §46A-6L-104a, all relating to the theft of consumer identity protections; including protection for theft of identity information of persons 60 years of age or older or individuals under 18 years of age; adding definitions; providing that a

report to law-enforcement agency is prima facie evidence of identity theft; and providing both misdemeanor and felony penalties for violations”; to the Committee on the Judiciary.

**By Delegates Anderson, Higginbotham, J. Kelly, Miley, Cadle, Evans, Azinger, Harshbarger, Pethtel, Boggs and Nelson:**

**H. B. 2489** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells below a specified production level”; to the Committee on Energy then Finance.

**By Delegates Howell, Pack, Hott, Rowan, Hamrick, Dean, Graves, Ellington, Staggers, Steele and Higginbotham:**

**H. B. 2490** - “A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to preventing the secretary of the Department of Health and Human Resources from proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades, renovations, or repairs to the facility”; to the Committee on Health and Human Resources.

**By Delegates Fleischauer, Pyles, Walker, Hansen, Pethtel, Williams, Caputo, Sybolt, Jennings, Angelucci and Miley:**

**H. B. 2491** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4c, relating to providing certain employees of the Highways increases in annual pay; providing legislative findings; providing funding sources; providing that pay rates and employment requirements are not subject to procedures for state employees’ grievances; providing for primacy of section; limiting private causes of action; and, providing that if employee will make more than the maximum allowable by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that employee shall make more than the pay grade maximum”; to the Committee on Finance.

**By Delegates Ellington, Hill, Summers, Pack, Atkinson, Wilson, Worrell, D. Jeffries, Hollen and Butler:**

**H. B. 2492** - “A Bill to amend and reenact §9-6-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§49-2-809 of said code, all relating to mandatory reporting procedures of abuse and neglect of adults and children”; to the Committee on Health and Human Resources.

**By Delegates Rowan, Lovejoy, Fast, Kessinger, Pack, Sypolt and Butler:**

**H. B. 2493** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, and §16-54-4, all relating to creating the Nondiscrimination in Involuntary Denial of Treatment Act; requiring the provision of medical treatment under certain circumstances; requiring the disclosure of policies related to the life-preserving treatment a patient may receive or be denied; and requiring the Department of Health and Human Resources to maintain and report on certain information”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Steele, Kessinger, Pack and Howell:**

**H. B. 2494** - “A Bill to amend and reenact §62-11B-6 of the Code of West Virginia, 1931, as amended, relating to the ineligibility for home incarceration for offenders convicted of two or more prior, unrelated felonies not a part of the same criminal transaction”; to the Committee on the Judiciary.

**By Delegates Kump, Bibby and Wilson:**

**H. B. 2495** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §51-3-19 relating to authorizing certain West Virginia courthouse security officers to carry concealed firearms; setting forth requirements; granting courthouse security officers arrest powers under certain circumstances; and, stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act”; to the Committee on the Judiciary.

**By Delegate Kump:**

**H. B. 2496** - “A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended, to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities”; to the Committee on Political Subdivisions then Finance.

**By Delegate Kump:**

**H. B. 2497** - “A Bill to amend and reenact §6C-1-3, §6C-1-4, and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to the whistle-blower law; protecting promotion or increase in compensation; allowing the use of grievance procedure; protecting use of other right or legal action; and protecting rights related to political activity and membership in employee organizations”; to the Committee on the Judiciary.

**By Delegates Pack, Hollen, Graves, Householder, Byrd, Kessinger, Steele and Summers:**

**H. B. 2498** - “A Bill to amend and reenact §8-22-19 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to prepay their annual contributions to the policemen(s) or firemen(s) pension and relief fund”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Capito:**

**H. B. 2499** - “A Bill to amend and reenact §3-4A-15 of the Code of West Virginia, 1931, as amended, relating to the publication of sample ballots for electronic voting machines; clarifying that in counties where an electronic voting system has been adopted, the legal ballot advertisements are to consist of a facsimile of the absentee ballot or a facsimile of each of the electronic voting system screens with the names of the candidates and the offices for which they are running shown in their proper positions”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Byrd, Lavender-Bowe, S. Brown, Longstreth, Estep-Burton, Walker and Fleischauer:**

**H. B. 2500** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §11-15-9q, relating to the exemption of certain hygiene products from sales tax”; to the Committee on Finance.

**By Delegates Byrd, Skaff and Capito:**

**H. B. 2501** - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to authorizing municipal fire departments specialized license plates”; to the



Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Steele, Pack, Harshbarger, Mandt, Graves, Wilson, Foster and Kessinger:**

**H. B. 2502** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-11, relating to prohibiting registered sex offenders from participating in Halloween activities; requiring certain signage; and establishing criminal penalties”; to the Committee on the Judiciary.

**By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Wilson, Foster and Kessinger:**

**H. B. 2503** - “A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to court actions; procedures in child neglect or abuse cases; requiring a petition to include an accusatory statement; when a court may and may not appoint counsel; and removing provision permitting copetitioners each to have counsel”; to the Committee on the Judiciary.

**By Delegates Atkinson, Westfall, Anderson, Hill, Criss, C. Martin, J. Kelly, Higginbotham, P. Martin, Nelson and Harshbarger:**

**H. B. 2504** - “A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-16-11a of said code, all relating to permitting licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to serve complimentary samples of nonintoxicating beer or nonintoxicating craft beer manufactured in the State of West Virginia; and removing restrictions on Class A retail licensees’ ability to serve complimentary nonintoxicating beer samples to customers”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Steele:**

**H. B. 2505** - “A Bill to amend and reenact §62-12-19 of the Code of West Virginia, 1931, as amended, relating to the ineligibility for probation of certain defendants convicted of two or more prior, unrelated felonies”; to the Committee on the Judiciary.

**By Delegate Steele:**

**H. B. 2506** - “A Bill to amend and reenact §4-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-21-9 of said code, all relating to providing that attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter; and that members of the Legislature who are attorneys-at-law may not be involuntarily appointed as counsel in any judicial matter, regardless of whether the Legislature is in session or out of session, except that a lawyer may voluntarily request to receive court appointments”; to the Committee on the Judiciary.

**By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:**

**H. B. 2507** - “A Bill to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating to eliminating good time credit for inmates who have been convicted on a prior occasion of another felony offense in an unrelated matter that was not part of the same criminal transaction as the current conviction”; to the Committee on the Judiciary.

**By Delegates Steele, Paynter, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:**

**H. B. 2508** - “A Bill to amend and reenact §62-12-2 of the Code of West Virginia, 1931, as amended, relating to making certain defendants who have been convicted of two or more prior unrelated felonies not a part of the same criminal transaction ineligible for probation; and establishing a procedure”; to the Committee on the Judiciary.

**By Delegates Pack, Dean, Wilson and Rohrbach:**

**H. B. 2509** - “A Bill to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended, relating to clarifying that theft of a controlled substance is a felony”; to the Committee on the Judiciary.

**Special Calendar****Third Reading**

**Com. Sub. for H. B. 2028**, Limiting supervision of laying of lines on state rights-of-way; 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. 3**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2028) passed.

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

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

*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. 2038**, Relating to the procedure to determine if an occupation or profession should be regulated; 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. 4**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller,

Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2038) 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. 2128**, Allowing state employees to take paid leave to attend parent-teacher conference for their children; 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. 5**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster and Wilson.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2128) 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. 2183**, Clarifying where a charge of DUI may be brought against an individual; 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. 6**), and there were—yeas 97, nays 2, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Porterfield and Rowe.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2183) 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

**H. B. 2185**, Relating to the removal of animals left unattended in motor vehicles; 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, amending the bill on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

#### **“ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

##### **§61-8-19. Cruelty to animals; penalties; exclusions.**

(a)(1) For the purposes of this section ‘agent’ means any:

(A) Emergency Medical Service Personnel as defined in §16-4C-1 et seq. of this code;

(B) Humane officer as defined in §7-10-1 et seq. of this code;

(C) Law-enforcement officer, or chief executive law enforcement officer, as defined in §30-29-1 et seq. of this code; and

(D) Member of a paid or volunteer local fire department.

(2) For purposes of this section an agent does not include members of the general public.

~~(a)(1)~~ (b) (1) It is unlawful for any person to intentionally, knowingly or recklessly,

(A) Mistreat an animal in cruel manner;

(B) Abandon an animal;

(C) Withhold;

(i) Proper sustenance, including food or water;

(ii) Shelter that protects from the elements of weather; or

(iii) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;

(D) Abandon an animal to die;

(E) Leave an animal unattended and confined in a motor vehicle when physical injury to, or death of, the animal is likely to result. The conditions which may cause physical injury or death shall include, but are not limited to, exposure to extreme heat or cold and insufficient ventilation.

(i) An agent may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's health, safety, or wellbeing appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering, physical injury, or death.

(ii) An agent acting in their official capacity may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.

(iii) An agent who removes or otherwise retrieves an animal pursuant to this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the

officer's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal have been paid, or suitable arrangements for payment have been made.

(iv) An agent who removes or otherwise retrieves an animal from a motor vehicle pursuant to this article, and the agency or municipality that employs the agent shall be immune from criminal or civil liability that might otherwise result from the removal of the animal.

(F) Ride an animal when it is physically unfit;

(G) Bait or harass an animal for the purpose of making it perform for a person's amusement;

(H) Cruelly chain or tether an animal; or

(I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.

(2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both.

~~(b)~~ (c) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, 'torture' means an action taken for the primary purpose of inflicting pain.

~~(e)~~ (d) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering

or otherwise affecting said animal's performance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$2,000.

~~(d)~~ (e) Any person convicted of a violation of this section forfeits his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.

~~(e)~~ (f) For the purpose of this section, the term 'controlled substance' has the same meaning ascribed to it by §60A-1-101(d) of this code.

~~(f)~~ (g) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and the regulations promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

~~(g)~~ (h) Notwithstanding the provisions of subsection ~~(a)~~ (b) of this section, any person convicted of a second or subsequent violation of subsection ~~(a)~~ (b) is guilty of a misdemeanor and, shall be confined in jail for a period of not less than 90 days nor more than one year, fined not less than \$500 nor more than \$3,000, or both fined and confined. The incarceration set forth in this subsection is mandatory unless the provisions of subsection ~~(h)~~ (i) of this section are complied with.

~~(h)~~~~(1)~~ (i) (1) Notwithstanding any provision of this code to the contrary, at the discretion of the judicial officer, no person who has been convicted of a violation of the provisions of subsection ~~(a)~~ (b) or (c) of this section may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the



defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(2) For any person convicted of a violation of subsection ~~(a)~~ ~~or~~ (b) or (c) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

~~(i)~~ (j) In addition to any other penalty which can be imposed for a violation of this section, a court ~~shall~~ may prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction and 15 years following entry of a felony conviction. A violation under this subsection is a misdemeanor punishable by a fine not exceeding \$2,000 and forfeiture of the animal.”

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2307**, Relating to creating a provisional license for practicing barbering and cosmetology; 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. 2190**, Modifying bail requirements,

And,

**H. B. 2311**, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired.

#### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Cowles.

### **Miscellaneous Business**

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

- Delegates Barrett, Byrd, Fluharty, Hornbuckle, Lavender-Bowe, Pushkin, Robinson, Sponaugle and Williams for H. B. 2331
- Delegate Harshbarger for H. B. 2438
- Delegate Lovejoy for H. B. 2445 and H. B. 2460
- Delegate Sponaugle for H. B. 2169
- Delegate Pushkin for H. B. 2324
- Delegate Westfall for H. B. 2378
- Delegate Wilson for H. B. 2074 and H. B. 2147

At 12:01 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 18, 2019.

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Friday, January 18, 2019

## TENTH 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, January 17, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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. 2095**, Assessing the college-and career-readiness of 11<sup>th</sup> and 12<sup>th</sup> grade students,

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

**Com. Sub. for H. B. 2095** - “A Bill to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating to assessing college-and career-readiness of 11<sup>th</sup> and 12<sup>th</sup> grade students; removing requirement for use of mutually agreed upon assessment after completion of 12<sup>th</sup> grade transition course; authorizing periodic examinations of student progress; prohibiting requirement to retake or administer college and career ready examinations to transition course students; removing limitation on state institutions of higher education to use only the examinations to determine student enrollment in remedial courses; and

authorizing use of other data sources to determine appropriate course placement,”

With the recommendation that the committee substitute do pass.

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

**H. B. 2489**, Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells,

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. 2489) was referred to the Committee on Finance.

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

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

**H. B. 2010**, Relating to foster care,

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

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 2010) to the Committee on Health and Human Resources then 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. 2423**, Prohibiting certain sex offenders from being in a supervisory position over children,

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

**Com. Sub. for H. B. 2423** - “A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain sex offenders from being in a supervisory position over children,”

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Prevention and Treatment of Substance Abuse and reported with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources), which was read by its title, as follows:

**By Delegates Ellington, Hanna, Hollen, Hornbuckle, D. Kelly, Kessinger, Mandt, Pushkin, Robinson, Walker and Rohrbach:**

**H. B. 2530** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, §16-54-2 and §16-54-3, all relating to regulation of recovery residences; providing voluntary certification procedures; providing voluntary inspection standards; providing requirements for the referral of persons; providing criminal penalties; providing for the payment of state funds to recovery residences.”

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 2530) to the Committee on Health and Human Resources.

On motion for leave, a bill was introduced (Originating in the Committee on Prevention and Treatment of Substance Abuse and reported with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources), which was read by its title, as follows:

**By Delegates Ellington, Hanna, Hollen, Hornbuckle, D. Kelly, Kessinger, Mandt, Robinson, Walker and Rohrbach:**

**H. B. 2531** - “A Bill to amend and reenact §16-5Y-5 of the Code of West Virginia, 1931, as amended, relating to permitting

certain trained professional to provide counseling in a medication-assisted treatment program.”

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 2531) to the Committee on Health and Human Resources.

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

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

**H. B. 2405**, Imposing a healthcare related provider tax on certain health care organizations,

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. 2405) was referred to the Committee on Finance.

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

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

**H. B. 2347**, Providing long-term care and substance abuse treatment,

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. 2347) was referred to the Committee on Finance.

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

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

**H. B. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy.

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2324) was referred to the Committee on Government Organization.

### **Resolutions Introduced**

Delegates R. Thompson, Lovejoy, Linville, Rohrbach, Maynard 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. 14** - "Requesting the Division of Highways name bridge number 50-64-2.67 EB & WB (50A208, 50A209), locally known as Hubbards Branch Bridges, carrying Interstate 64 (EB & WB) over County Route 5/1 in Wayne County, the 'U. S. Army CPT Benjamin Ronk Memorial Bridge'."

Whereas, U. S. Army Captain Benjamin Ronk, from Kenova, West Virginia, served 25 years in the United States Army, 8 years of which were spent as an enlisted man and 12 years commissioned as a Warrant Officer, during which time he flew medivac helicopters during two tours in Iraq and two tours in Afghanistan; and

Whereas, Earlier in his military career, Captain Ronk served in the Joint Services at the White House Communications Agency; and

Whereas, Upon returning from overseas assignments, Captain Ronk was stationed at Fort Campbell, Kentucky, with the 6<sup>th</sup> Battalion, 101<sup>st</sup> Aviation Regiment, where he continued his

education. Later, Captain Ronk became a physician assistant and served on medical missions during the Ebola crisis in Liberia; and

Whereas, At the time of his death, Captain Ronk was the platoon physician assistant with the 86<sup>th</sup> Combat Support Hospital and nearing retirement in March, 2016; and

Whereas, Captain Ronk brought the war back home with him and suffered from severe depression and the pain and agony of post-traumatic stress syndrome for years. On December 26, 2015, he ended his life. His death was found to be service related; and

Whereas, Captain Benjamin Ronk was a West Virginian who served his country throughout his adult life; and

Whereas, It is appropriate to honor the memory of Captain Ronk with a memorial in his home county; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-64-2.67 EB & WB (50A208, 50A209), locally known as Hubbards Branch Bridges, carrying Interstate 64 (EB & WB) over County Route 5/1 in Wayne County, the “U. S. Army CPT Benjamin Ronk Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of Highways is hereby requested to have made and be placed at both ends of the bridge signs identifying the bridge as the “U. S. Army CPT Benjamin Ronk 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.

### **Petitions**

Delegates Pyles, Fleischauer, Williams, Walker and Hansen presented a petition signed by citizens of the State urging Congress and the Legislature to increase certain senior citizen benefits;



which was referred to the Committee on Senior, Children and Family Issues.

Delegate Shott presented a petition signed by citizens of the State recommending that pawn shops require documentation verifying identity, address and ownership and in the case of firearms, a legible serial number before accepting items being pawned; which was referred to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegates Summers, Howell, Waxman, Queen, Hamrick, Jennings, Sypolt, Phillips, Cadle, Worrell and Kump:**

**H. B. 2011** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto five new sections designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, §17-30-5, and §17-30-6 all relating to the creation of the Road Maintenance Program; providing for Legislative intent; providing for certain maintenance activities to be performed by private contractors; providing for payment; providing for purchasing requirements; providing for reports and audit reviews; providing an effective date; and providing severability”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Summers, D. Jeffries, Sypolt, D. Kelly, Toney, Hardy, Mandt, Maynard, Linville, Phillips and Criss:**

**H. B. 2012** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b, relating to establishing country roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; and requiring an annual update to the Joint Committee on Government and

Finance”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Linville, Higginbotham, Butler and Kessinger:**

**H. B. 2510** - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to special funds of boards of examination or registration; requiring notice by Treasurer to Legislative Auditor of certain transfers; requiring review of the fee structure of board by Legislative Auditor under certain circumstances; and requiring report to Joint Standing Committee on Government Organization”; to the Committee on Government Organization.

**By Delegates Robinson, Pack, Sypolt, Estep-Burton, Caputo, Paynter, Miller, Householder, Malcolm, Williams and Criss:**

**H. B. 2511** - “A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to requiring members of the State Police to follow the towing services policy of the county in which the member is located”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Higginbotham, Linville, Butler and Kessinger:**

**H. B. 2512** - “A Bill to amend and reenact §16-5-5 and §16-5-29 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-39, all relating to authorizing the Division of Motor Vehicles to issue certain vital records in the custody of the State Registrar; to require the Division of Motor Vehicles to adhere to the State Registrar’s rules; authorize the Division of Motor Vehicles to collect a fee for issuing vital records and transmit those fees to the State Registrar monthly; and require the Commissioner of the Division of Health and Human Resources and Commissioner of the Division of Motor Vehicles to enter into a Memorandum of Understanding to implement a program that allows the Division of Motor Vehicles access to certain vital records to issue to customers”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Hansen, Fleischauer, Walker, Summers, Pyles, Williams, Pethtel, Zukoff, R. Thompson, Stagers and Doyle:**

**H. B. 2513** - “A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating to campus police officers of state institutions of higher learning; allowing governing boards of state institutions of higher learning to appoint all qualified individuals to serve as campus police officers”; to the Committee on Education then the Judiciary.

**By Delegates Howell, Pack, Hott, Hamrick, Dean, Graves, Ellington, Higginbotham, Linville, Butler and Kessinger:**

**H. B. 2514** - “A Bill to amend and reenact §47-26-2 of the Code of West Virginia, 1931, as amended, relating to permitting pawn brokers to disclose whether any specific property has been sold or pledged”; to the Committee on Government Organization.

**By Delegates Butler, Cadle, Wilson, Ellington, Shott, Howell, Hardy, Kump, Pack, Storch and Fast:**

**H. B. 2515** - “A Bill to amend and reenact §11-15-9i of the Code of West Virginia, 1931, as amended relating to an exemption on the sales and use tax for the sale and installation of mobility enhancing equipment; exempting the sales and use tax for the sale and installation of repair or replacement parts for mobility enhancing equipment; and, establishing a definition for mobility enhancing equipment”; to the Committee on Health and Human Resources then Finance.

**By Delegates Linville, Howell, Higginbotham, Jennings, Butler, McGeehan, Steele, Worrell, Maynard, Waxman and Foster:**

**H. B. 2516** - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to renewal of driver license with the designation of ‘Veteran’ and lifetime license for veterans over age 65 with some qualifications”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Canestraro, Pushkin and Williams:**

**H. B. 2517** - “A Bill to amend and reenact §51-7-5 of the Code of West Virginia, 1931, as amended, relating to compensation for

full time official court reporters; and providing for salary increases based upon years of service”; to the Committee on Finance.

**By Delegates Harshbarger, Paynter, Cooper, Hanna, Bibby, Atkinson, Sypolt, D. Kelly and Mandt:**

**H. B. 2518** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; providing that dogs used to track mortally wounded deer or bear are not to be taken into possession by a natural resource police officer; and clarifying the handling of dogs caught chasing deer”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Butler, Maynard, Cadle, Foster, Hanna, Espinosa, Higginbotham, McGeehan, Householder, Canestraro and Swartzmiller:**

**H. B. 2519** - “A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as ‘The Campus Self Defense Act’”; to the Committee on the Judiciary.

**By Delegates Walker, Fleischauer, Hansen, Estep-Burton, Longstreth, Pyles, Angelucci, Worrell, Sypolt, Azinger and Summers:**

**H. B. 2520** - “A Bill to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating to the Antihazng Law; modifying the definition of hazng to address any type of organization whose members include students at any public or private institution of higher education”; to the Committee on Education.

**By Delegates Harshbarger, Paynter, Cooper, Bibby, D. Kelly, Atkinson, Sypolt, Hanna and Mandt:**

**H. B. 2521** - “A Bill to amend and reenact §29-2-11 of the Code of West Virginia, 1931, as amended, relating to permitting fur-bearer parts, including, but is not limited to, glands, skulls, urine, essence, claws, baculum and meat of game or fur-bearing animals, and the hides and tails of squirrels to be sold, traded or bartered”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Harshbarger, Paynter, Sypolt, Cooper, Bibby, Atkinson, Hanna, D. Kelly and Mandt:**

**H. B. 2522** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-10-6b, relating to authorizing minors with a graduated driver’s license to pump gasoline”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Harshbarger, Paynter, Cooper, Hanna, Bibby, D. Kelly and Mandt:**

**H. B. 2523** - “A Bill to amend and reenact §11-3-27 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of time a taxpayer has to seek relief from a county commission from an erroneous assessment”; to the Committee on Political Subdivisions then Finance.

**By Delegates Atkinson, Hill, D. Jeffries, Hollen, Fleischauer and Stagers:**

**H. B. 2524** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-35, relating to permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances”; to the Committee on Health and Human Resources.

**By Delegates Summers, Hill, Pack, Dean, Atkinson, Wilson, Worrell, D. Jeffries, Hollen, Butler and Rohrbach:**

**H. B. 2525** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, and §16-56-6, all relating to permitting a pharmacist to dispense a tobacco cessation therapy

under a standing prescription drug order”; to the Committee on Health and Human Resources.

**By Delegates Summers and Steele:**

**H. B. 2526** - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to making it a crime to be intoxicated due to drug use while in public; and establishing the criminal penalty for public intoxication due to drug use”; to the Committee on the Judiciary.

**By Delegates Steele, Pack, Harshbarger, Mandt, J. Jeffries, Graves, Howell, Wilson, Foster and Kessinger:**

**H. B. 2527** - “A Bill to amend and reenact §29-22-12 of the Code of West Virginia, 1931, as amended, relating to forgery and other crimes concerning lottery tickets; requiring any sentencing be by determinate sentence”; to the Committee on the Judiciary.

**By Delegates Cooper, Anderson and R. Thompson:**

**H. B. 2528** - “A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Swartzmiller, Diserio, Lavender-Bowe, McGeehan, Miley, Barrett, Miller, Azinger, Lovejoy, Storch and Caputo:**

**H. B. 2529** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; and exempting social security benefits from state personal income tax”; to the Committee on Senior, Children, and Family Issues then Finance.

## Special Calendar

### Third Reading

**H. B. 2185**, Relating to the removal of animals left unattended in motor vehicles; 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. 7**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Ellington, Hill and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2185) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

**H. B. 2185** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions likely to cause injury or death to an animal confined in a motor vehicle; setting forth circumstances and actions which may be taken by designated individuals to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to agencies or municipalities and their employees or agents who retrieve an animal; providing judicial discretion for psychological or psychiatric evaluation; and providing for criminal penalties.”

*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. 2307**, Relating to creating a provisional license for practicing barbering and cosmetology; 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. 8**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cowles, Ellington, Hill and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2307) passed.

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

#### Second Reading

**Com. Sub. for H. B. 2190**, Modifying bail requirements; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page one, subsection (b), after line fourteen, by adding a new subsection to read as follows:

“(c) within 10 days of the setting of bond or bail by the Court or Magistrate, a Prosecuting Attorney may bring a motion to set cash or surety bond. The Presiding Court shall hold a summary hearing upon the motion within 5 days, and make a finding based upon the evidence presented by the Prosecuting Attorney if good cause is shown to require cash or surety bond, and upon good cause shown, the Presiding Court shall set reasonable cash or surety bond in accordance with other provisions of this article.”

The bill was then ordered to engrossment and third reading.

**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 second reading, coming up in regular order, was read a second time.



On motion of Delegate Howell, the bill was amended on page one, section nine, line three, by striking out the words “State Tax Commission” and inserting in lieu thereof the words “Tax Commissioner”.

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. 2008**, Relating to nonpartisan election of justices of the Supreme Court of Appeals,

**Com. Sub. for H. B. 2193**, Providing a specific escheat of US savings bonds,

And,

**Com. Sub. for H. B. 2362**, Relating to procedures for voting an emergency absentee ballot by qualified voters.

#### **Leaves of Absence**

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

#### **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 Porterfield for H. B. 2033
- Delegates Kessinger and Wilson for H. B. 2046
- Delegate Wilson for H. B. 2121
- Delegate Lavender-Bowe for H. B. 2378
- Delegate N. Brown for H. B. 2393

- Delegate Jennings for H. B. 2441

- Delegates Canestaro, Foster and D. Kelly for H. B. 2462

At 11:26 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 21, 2019.

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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.

The Speaker then referred the resolution (H. C. R. 15) to the Committee on Rules.

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 16<sup>th</sup> of November, 1916, in Clarksburg, West Virginia, enlisted in the United States Army on the 8<sup>th</sup> 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 7<sup>th</sup> of July, 1918, in Clarksburg, West Virginia, enlisted in the West Virginia National Guard on the 1<sup>st</sup> of April, 1944; he was honorably discharged on the 21<sup>st</sup> of September, 1945; and

Whereas, Private Jack S. Gill was born on the 14<sup>th</sup> of June, 1920, in Clarksburg, West Virginia, enlisted in the United States Army on the 9<sup>th</sup> 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 29<sup>th</sup> of October, 1945; and

Whereas, Corporal Foster Ray Gill was born on the 23<sup>rd</sup> of February, 1924, in Clarksburg, West Virginia, enlisted in the United States Army on the 22<sup>nd</sup> 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 2<sup>nd</sup> 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.

Delegates 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 Millie “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 Millie '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 Millie '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, Stagers, 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, 1<sup>st</sup> Battalion, 501<sup>st</sup> Infantry, 101<sup>st</sup> 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 21<sup>st</sup> 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, Sponaule, 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.

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Tuesday, January 22, 2019

## FOURTEENTH 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 Monday, January 21, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for H. B. 2008, on second reading, Special Calendar, to the House Calendar.

### Committee Reports

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. 2009**, Creating a new category of Innovation in Education grant program,

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. 2527**, Relating to forgery and other crimes concerning lottery tickets,

And,

**H. B. 2509**, Clarifying that theft of a controlled substance is a felony,

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. 2446**, Blue Alert Plan,

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

**Com. Sub. for H. B. 2446** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, §15-3C-6, and §15-3C-7 of said code, all relating to the establishment of an alert system for law-enforcement officers missing in the line of duty or person suspected of killing or inflicting life threatening injuries upon a law-enforcement officer who remain at large; providing legislative findings and declarations relative to the Blue Alert plan; establishment of a Blue Alert program; definitions; activation of a Blue Alert; notice to participating media; broadcasting of a Blue Alert; notification to the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the Blue Alert; termination of the Blue Alert; immunity from criminal or civil liability; and authorization to promulgate guidelines and procedural rules,"

And,



**H. B. 2435**, Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations,

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

**Com. Sub. for H. B. 2435** - “A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-3-2 of said code, all relating to authorizing and empowering the Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations under certain conditions; providing that CSI recommend prosecution of state criminal law violations to appropriate county prosecutor; providing that, if county prosecutor has not pursued the matter within six months, CSI must recommend the matter to the Attorney General; empowering and authorizing the Attorney General to prosecute violations of criminal law referred by CSI under certain conditions; and empowering the Attorney General to impanel a grand jury and prosecute a person indicted by that grand jury,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Senate**

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. 17** - “A Bill to amend and reenact §62-12-2 of the Code of West Virginia, 1931, as amended, relating to eligibility for probation generally; adding the option of a psychological study and diagnosis to the studies and treatment required for a person to be eligible for probation upon conviction of certain sexually related offenses; and adding offenses involving preparation, distribution, or exhibition of obscene matter to minors to the list of offenses for which such examinations are required for

probation eligibility”; 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. 61** - “A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including the crimes of treason, first and second degree murder, first degree robbery, and participation in an organized criminal enterprise to the list of crimes for which a prosecutor may apply for a court order authorizing interception of communications”; 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

**S. B. 119** - “A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; specifying certain health care peer review documents are confidential and not subject to discovery; providing that a person who testifies before a review organization or is a member of a review organization shall not be required to testify or asked about his or her testimony; providing that peer review proceedings, communications, and documents of a review organization are confidential and privileged and shall not be subject to discovery; providing that an individual may be given access to documents used as basis for an adverse professional review action, subject to a protective order as may be appropriate; providing that privilege is not deemed to be waived unless the review organization executes a written waiver; defining terms; and addressing original source materials”; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates R. Thompson, N. Brown, Canestraro and Lovejoy offered the following resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

**H. C. R. 25** - “Requesting the Joint Committee on Government and Finance study and analyze the discrepancy between estimates and actual readings of electrical meters.”

Whereas, There appears to be citizen complaints throughout this state concerning discrepancies between estimates and actual readings of electrical meters; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study and analyze the discrepancy between estimates and actual readings of electrical meters; 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 its recommendations; 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.

Delegates Cadle, Westfall, Higginbotham, Toney, Cooper, Hott, J. Jeffries, Sypolt, Pack, Atkinson and Harshbarger offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 26** - “Requesting the Division of Highways name bridge number 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the ‘U. S. Army SGT Arthur “George” Roush Memorial Bridge’.”

Whereas, George Roush was born June 13, 1932, in Millwood, West Virginia; and

Whereas, George Roush worked on a riverboat prior to enlisting in the military and was active in 4-H and the church community; and

Whereas, George Roush enlisted in the United States Army in May 1952; and

Whereas, SGT George Roush was completing his tour of duty in Korea when he perished August 14, 1954; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Arthur “George” Roush and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the “U. S. Army SGT. Arthur ‘George’ Roush Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT. Arthur ‘George’ Roush 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 Linville, Rohrbach, Hanshaw (Mr. Speaker), Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen,

Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowan, Rowe, Shott, Skaff, Sponaule, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 27** - “Requesting the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II.”

Whereas, Only 473 Americans were awarded the Congressional Medal of Honor, the nation’s highest decoration of valor during World War II, and today only four of those Americans remain alive; and

Whereas, The time is approaching for a final salute to the Medal of Honor recipients from World War II; and

Whereas, A single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II would be the perfect vehicle to do so, and it would also provide national recognition to honor all 16 million soldiers, sailors and airmen who served in our Armed Forces from 1941 to 1945; and

Whereas, General Douglas MacArthur, Supreme Allied Commander of the Pacific, and General Dwight Eisenhower, Supreme Allied Commander of Europe, were each honored by the nation with state funerals; and

Whereas, The selfless, brave men and women who served under them deserve the honor of special recognition at a state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the West Virginia Legislature hereby requests the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the President of the United States.

Delegates Lavender-Bowe, Capito, Estep-Burton, Nelson, Rowe, Robinson, Walker, J. Kelly, Graves, Angelucci and Campbell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 28** - "Requesting the Division of Highways name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV Route 61 over Fields Creek in Kanawha County, the 'Charleston Police Capt. Jerry D. Hill Memorial Bridge'."

Whereas, Charleston Police Captain Jerry D. Hill was born on November 17, 1962, in Charleston; and

Whereas, Captain Hill was a lifelong resident of Chesapeake, West Virginia; he was married to Deborah L. Hill; they had one son, Jonathan Hill, who is a detective in the Charleston Police Department, and two grandchildren, Lila Hill and Nash Hill; and

Whereas, Captain Hill graduated from East Bank Senior High School in May 1981, attended Concord College from August 1981 to June 1982, and completed the Basic Police Training course at West Virginia State Police Academy, Institute, July 21, 1986; and

Whereas, Jerry D. Hill served as a Private First Class in the United States Army Reserve, 261<sup>st</sup> Ordinance Company, located in Cross Lanes, from September 1983 to February 1989; and

Whereas, Jerry D. Hill served as an officer in the Charleston Police Department from March 17, 1986, to May 3, 2013, and attained the rank of Captain; and

Whereas, During his career in the Charleston Police Department, Captain Hill performed numerous duties and served in numerous managerial and supervisory capacities, including: Special Operations Bureau Chief (2010 to 2013); ranking Civil Service officer; service in the Warrants/Housing Division and the Community Services Division, Support Services Division; Chairman of the Conduct Review Board (appointed by the Chief of Police); served Deputy in the Traffic Division and later as the Traffic Division Commander (2005 to 2010); and

Whereas, Captain Hill also served as Special Events Coordinator (1997 to 2005) for the Charleston Police Department, responsible for security and safety for all special events held in the City of Charleston. Captain Hill also served as liaison to the Secret Service for all VIP and/or dignitary visits, including visits by the President, Vice President, and presidential candidates; and

Whereas, During his tenure at the West Virginia D.A.R.E. Training Center, Captain Hill trained police officers from all over the country to teach the D.A.R.E. curriculum, published the “WV D.A.R.E. Training Center Newsletter”, instructed D.A.R.E. classes (1989-2003), and taught D.A.R.E. classes to 5<sup>th</sup> and 6<sup>th</sup> grade classes throughout the Kanawha County school system; and

Whereas, Captain Hill’s honors and awards include the Professional Esteem Award, February 8, 2013; Officer of the Year Nominee – 1999; Officer of the Year Nominee – 1998; Officer of the Year Nominee – 1997; Professional Service Award, May 1988 – awarded for actions during a hostage situation; and

Whereas, Captain Hill’s professional associations included Fraternal Order of Police, Capital City Lodge #74, Charleston, West Virginia; Chelyan Lodge #158 – A.F. & A.M.; 32° Ancient and Accepted Scottish Rite, Valley of Charleston, Orient of West Virginia; and Ancient Arabic Order of the Nobles of the Mystic Shrine, Beni Kedem Temple; and

Whereas, After his retirement from the Charleston Police Department, Captain Hill was employed by the Charleston Police Department Inventory Management, Support Services Division

from June 20, 2013, to April 2014; was employed by the Arrow Security Southeast Belle, West Virginia Regional Director beginning March 31, 2015; and served as City of Charleston Director of Public Grounds from February 2016 to April 16, 2017; and

Whereas, Captain Hill's community volunteer experiences included: Youth League Football Coach, 1982 to 1987 (Chesapeake Vikings); 1996 to 2001 (Marmet Mustangs and Campbells Creek Cougars); Little League Baseball Coach, 1996 to 2001 (Chesapeake Pirates); Bidy League Basketball Coach, 1998 to 2001 (Chesapeake Raiders); Special Olympics Law Enforcement "Torch Run", 1995 to 2010; and Treasurer, Riverside High School Project Graduation 2009; and

Whereas, Captain Hill passed away on April 24, 2017; and

Whereas, Naming the bridge carrying WV Route 61 over Fields Creek in Kanawha County, the "Charleston Police Capt. Jerry D. Hill Memorial Bridge" is an appropriate recognition of his selfless service to his community, state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV Route 61 over Fields Creek in Kanawha County, the "Charleston Police Capt. Jerry D. Hill Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Charleston Police Capt. Jerry D. Hill 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 Pack and Cooper offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

**H. C. R. 29** - "Requesting the West Virginia Department of Veterans Assistance to research and make recommendations regarding construction of a veterans' nursing home facility in Summers County."

Whereas, West Virginia has one of the highest proportions of its citizens in older age groups and many of these citizens have also served in the armed forces of our country; and

Whereas, There is only one nursing home facility dedicated to the care of veterans in this state and that facility is located in the northern half of the state at considerable distance from many of the state's communities and residents; and

Whereas, Aging veterans and their families benefit greatly by having access to a full-time residential care facility that is easily accessible in their own region; and

Whereas, The suitability of construction of such a facility in the southern portion of West Virginia is properly determined through an investigation of all relevant factors such as, but not limited to, access to the state veterans' community, site geography, comparative costs for construction and administration of the facility, and the additional economic benefits to the local economy; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the West Virginia Department of Veterans Assistance to research and make recommendations regarding construction of a veterans' nursing home facility in Summers County; and, be it

*Further Resolved*, That the Legislature hereby requests the department to submit a written report of its research and findings to the Legislature by December 31, 2019; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Veterans Assistance.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegates Howell, Rowan, Anderson, Sponaugle, Williams, Hartman, Barrett, Butler, Hill and Maynard:**

**H. J. R. 18** - “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to providing property tax relief to senior citizens and certain disabled veterans; providing a maximum assessed value of a residential property owned by a senior citizen for purposes of determining property taxes; authorizing a total exemption for the principal residence of an honorably discharged veteran who is totally and permanently disabled due to a service-connected incident; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Foster, Steele, Waxman, Kessinger, Bibby, Hardy, Maynard, Mandt, J. Jeffries, Householder and D. Kelly:**

**H. B. 2574** - “A Bill to repeal §11-19-2 of the Code of West Virginia, 1931, as amended, relating to excise soft drink taxes”; to the Committee on Finance.

**By Delegate Rodighiero:**

**H. B. 2575** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to freezing employee premiums at the current level until July 1, 2022”; to the Committee on Banking and Insurance then Finance.

**By Delegate Rodighiero:**

**H. B. 2576** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-

5a, relating to establishing a tax credit for new businesses that locate in the state; setting forth how the credit is determined; establishing the conditions that must be met to qualify for the credit; and defining terms”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Rodighiero:**

**H. B. 2577** - “A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and authorizing insurance to married workers without children at reduced rates”; to the Committee on Banking and Insurance then Finance.

**By Delegate Rodighiero:**

**H. B. 2578** - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Nelson and Criss:**

**H. B. 2579** - “A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-18a of said code, all relating to the collection of tax and the priority of distribution of an estate or property in receivership and the liability of the fiduciary”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2580** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the reduction of state income taxes for certain state and federal retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Rodighiero:**

**H. B. 2581** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to requiring recipients of Supplemental Nutrition

Assistance Program be issued a photo identification card; establishing criminal penalties for misuse; and requires rule-making”; to the Committee on the Judiciary then Finance.

**By Delegate Rodighiero:**

**H. B. 2582** - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to exempting all veterans of the Armed Forces or any Reserve component thereof from having to obtain a hunting, trapping or fishing license”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Hill, Ellington, Pushkin, Rohrbach, Fleischauer, Walker, Staggers, McGeehan, Summers and Doyle:**

**H. B. 2583** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, and §16-56-5, all relating to permitting a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription drug order”; to the Committee on Health and Human Resources.

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

**H. B. 2584** - “A Bill to amend and reenact §5-16-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16-27; to amend said code by adding thereto a new section, designated §11B-2-15a, all relating generally to funding of Public Employees Health Insurance Program; requiring the finance board to maintain a reserve fund at actuarily recommended amounts of at least 10 percent of plan costs; removing requirement to transfer moneys resulting from plan savings into reserve fund; removing the cap in reserve fund of 15 percent before a transfer to West Virginia Retiree Health Benefit Trust Fund; establishing PEIA Rainy Day Fee and providing for its assessment and collection in current fiscal year of the state; providing for the Legislature to authorize assessment of Rainy Day Fee in subsequent fiscal years; establishing PEIA Rainy Day Fund as special, nonexpiring, interest-bearing revenue account in the State Treasury to be funded by Rainy Day Fee assessments; authorizing the Secretary of Revenue to assess and collect fee and

give special revenue agencies additional time to pay fee when undue hardship exists; providing for the administration of the fund, including investment of funds, transfer of funds, and purposes for which the fund can be used; and authorizing the promulgation of emergency and legislative rules”; to the Committee on Banking and Insurance then Finance.

**By Delegates Malcolm, D. Jeffries, Kump, D. Kelly, Phillips, Kessinger, Mandt, Porterfield, Hanna, Graves and Butler:**

**H. B. 2585** - “A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to the State Fire Commission promulgating a rule for the state building code to require large venues to have portable exit barriers to guide people to targeted exit areas for faster and safer exiting”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegates Staggers, Jennings, Bates and Boggs:**

**H. B. 2586** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3C-4a, relating to requiring certain community and technical colleges or career and technical education centers to offer training to be a firefighter or emergency medical technician”; to the Committee on Fire Departments and Emergency Medical Services then Education.

**By Delegates Fleischauer, Miley, C. Thompson, Higginbotham, Linville, Walker, S. Brown, Lovejoy, Canestraro, Byrd and Fluharty:**

**H. B. 2587** - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting violations of an individual’s civil rights because of disability or sexual orientation; new definitions; and criminal penalty; and designating changes and section as ‘Angel’s Law’”; to the Committee on the Judiciary.

**By Delegates Lovejoy, Miller, N. Brown, Paynter, Canestraro, Caputo, Maynard, Williams, Robinson, Zukoff and Steele:**

**H. B. 2588** - “A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying

that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board”; to the Committee on the Judiciary.

**By Delegates Hansen, Ellington, Hanna, Miley, Lovejoy, McGeehan, Phillips, Evans, Fleischauer and Miller:**

**H. B. 2589** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to siting certain solar energy projects on formerly mined land in West Virginia; authorizing transmission or wheeling agreements to transmit the electrical output from certain solar energy projects to large energy consumers within West Virginia; making legislative findings; defining terms; creating an exception to the general regulatory structure for solar energy project owners or operators and large energy consumers purchasing the output therefrom so that they are not deemed public utilities; authorizing affected electric utilities to recover reasonable charges for transmission, distribution, and other related services; and authorizing the promulgation of rules exempt from the regular legislative review process”; to the Committee on Technology and Infrastructure then Energy.

**By Delegate Porterfield:**

**H. B. 2590** - “A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by co-owner or others”; to the Committee on the Judiciary.

**By Delegates Malcolm, D. Jeffries, Kump, D. Kelly, Phillips, Kessinger, Mandt, Porterfield, Hanna and Butler:**

**H. B. 2591** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to requiring lighted exit signs in buildings where members of the public may frequent”; to the Committee on Government Organization.

**By Delegates Howell, Pack, C. Martin, D. Jeffries, Cadle, Hott, Worrell, J. Jeffries, Porterfield, Sypolt and Bibby:**

**H. B. 2592** - “A Bill to amend and reenact §30-1-19 of the Code of West Virginia, 1931, as amended, relating to requiring all

boards colocating in the same area and office space”; to the Committee on Government Organization.

**By Delegate Rohrbach:**

**H. B. 2593** - “A Bill to amend and reenact §18-9A-12 of the Code of West Virginia, 1931, as amended, relating to limiting the increase or decrease of state funding to a county board of education to no more than two percent”; to the Committee on Education then Finance.

**By Delegates Butler, Cadle, Jennings, Kump, Hansen, Azinger, Sypolt, Bates, Malcolm, Graves and D. Jeffries:**

**H. B. 2594** - “A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting railroads from blocking crossings on privately owned streets”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Pack, Graves, Cooper, Paynter, Steele, Harshbarger, Sypolt, Jennings, Evans, Storch and Maynard:**

**H. B. 2595** - “A Bill to amend and reenact §5-10-17 and §5-10D-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35 and §20-17-36; to amend and reenact §20-2B-10 of said code; and to amend said code by adding thereto a new article, designated §20-18-1, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates J. Jeffries, Householder, Butler, D. Jeffries, Graves, Steele, Maynard, Paynter, Summers, Kump and Wilson:**

**H. B. 2596** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing for

a special ‘Don’t Tread On Me’ license plate”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Porterfield, J. Jeffries, Maynard, Cooper, Malcolm, Paynter, Cadle, Wilson, Harshbarger, Fast and Foster:**

**H. B. 2597** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-46g, relating to creating a hunting permit to safely accommodate visually impaired hunters; setting forth the permit’s requirements; requiring that the permittee and his or her assistant must also hold the underlying hunting licenses or otherwise be exempt; and authorizes rulemaking”; to the Committee on Agriculture and Natural Resources then the Judiciary.

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

**H. B. 2598** - “A Bill to amend and reenact §29-12-5 of the Code of West Virginia, 1931, as amended, relating to a charitable or public service organization must submit a certifying statement attesting to its status as a charitable or public service organization”; to the Committee on Government Organization.

**By Delegate Rowan:**

**H. B. 2599** - “A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service weapons to special natural resources police officers upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial; and making stylistic changes”; to the Committee on the Judiciary.

**By Delegates Summers and Kessinger:**

**H. B. 2600** - “A Bill to amend and reenact §3-4A-15 of the Code West Virginia, 1931, as amended, relating to publication of sample ballots”; to the Committee on the Judiciary.

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

**H. B. 2601** - “A Bill to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-10-12, all relating to the review and approval of state property leases by requiring two



signatures and the review and approval of leasing of state property to nongovernment entities”; to the Committee on Government Organization.

**By Delegates Miller, Canestraro, Hollen, N. Brown and D. Kelly:**

**H. B. 2602** - “A Bill to amend and reenact §61-3-18 of the Code of West Virginia, 1931, as amended, relating to receiving or transferring stolen property; and providing that to knowingly possess stolen goods is an element of the offense of receiving or transferring stolen property”; to the Committee on the Judiciary.

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

**H. B. 2603** - “A Bill to amend and reenact §60-3-15, §60-3-17 and §60-3-18 of the Code of West Virginia, 1931, as amended, all relating to the amount permitted to remain in the West Virginia Alcohol Beverage Control Administration’s operating fund and providing for reports regarding the fund balance to ensure operations are maintained”; to the Committee on Government Organization then Finance.

**By Delegates R. Thompson, Evans, Lovejoy and N. Brown:**

**H. B. 2604** - “A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; and permitting service credit to persons with alternative school teaching experience”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Kump:**

**H. B. 2605** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §8-5-5a, relating to placing on the ballot of voters in every municipality of this state the question of whether the municipality should hold its future municipal elections on a state general election day”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Estep-Burton, Lavender-Bowe, S. Brown and Doyle:**

**H. B. 2606** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d,

relating to requiring 30 minutes of unstructured play time daily for students in kindergarten through grade 5 in public schools in West Virginia”; to the Committee on Education.

## Special Calendar

### Third Reading

**Com. Sub. for H. B. 2362**, Relating to procedures for voting an emergency absentee ballot by qualified voters; 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. 12**), 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: Hollen, Queen 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. 2362) passed.

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

### Second Reading

**Com. Sub. for H. B. 2095**, Assessing the college- and career-readiness of 11<sup>th</sup> and 12<sup>th</sup> grade students; 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. 2193**, Providing a specific escheat of US savings bonds; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Shott and Fast, the bill was amended on page four, section two-a, line twelve, after the word “shall”, by inserting a comma and the words “upon satisfaction by the

administrator of the requirements of §36-8-2a(c) through (e), inclusive” followed by a comma.

On page four, section two-a, line sixteen, after the word “Virginia”, by striking out the remainder of the sentence and inserting in lieu thereof a comma and the words “subject only to the provisions of §36-8-15 and §36-8-16 of this code” and a period.

On page five, section two-a, line eighteen, after the word “filed”, by striking out the words “in accordance with the provisions of §36-8-2a(g)” and inserting in lieu thereof the words “pursuant to the provisions of §36-8-15 and §36-8-16”.

On page five, section two-a, line nineteen, after the word “bonds”, by striking out the words “the administrator may commence a civil action” and inserting in lieu thereof the words “but before such savings bonds escheat to the State of West Virginia, a civil action must be commenced by the administrator”.

On page five, section two-a, line twenty-five, before the word “If”, by inserting the following:

“Any person claiming ownership, including all persons claiming rights, powers and privileges of survivorship and any co-owner or beneficiary, or his or her agent, may appear and defend his or her rights to the subject bond or bonds, and if the Court is satisfied that the claimant is entitled to the bonds, may award judgment in the claimant’s favor.”

On page five, section two-a, line twenty-eight, after the word “bonds” and the comma, by striking out the comma and the words “including bonds in the possession of the administrator and those lost, stolen or destroyed bonds registered to persons with last known addresses in the state” and a comma.

On page five, section two, line thirty-three, after the word “Virginia”, by changing the period to a comma and inserting the words “subject only to the provisions of §36-8-15 and §36-8-16 of this code.”

On page five, section two-a, line thirty-four, before the word “administrator”, by striking out the word “The” and inserting in lieu thereof the words “Upon being awarded a judgment that the United States savings bond or bonds have escheated to the State of West Virginia, the”.

On page five, section two-a, line thirty-nine, after the word “code” by changing the comma to a period and striking out the remainder of the sentence.

And,

On page five, section two-a, line forty-one, by striking out all of subsection (g).

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2423**, Prohibiting certain sex offenders from being in a supervisory position over children; 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. 2005**, Broadband Expansion Act of 2019,

**Com. Sub. for H. B. 2346**, Changing the licensing requirement for certain casino employees,

**Com. Sub. for H. B. 2360**, Placing the Athletic Commission under the Lottery Commission,

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

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

**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.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Hollen, Queen 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:

- Delegate Hansen for H. B. 2073
- Delegates J. Jeffries and Paynter for H. B. 2119
- Delegate C. Thompson for H. B. 2041 and H. B. 2169
- Delegates Cowles, Hansen, Robinson, Rowe and Walker for H. B. 2219
- Delegates Mandt and Steele for H. B. 2446
- Delegate Westfall for H. B. 2468
- Delegate Pyles for H. B. 2543, H. B. 2544, H. B. 2545, H. B. 2555, H. B. 2556, H. B. 2565, H. B. 2568 and H. B. 2569
- Delegates Lavender-Bowe and Pyles for H. B. 2548

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

- Delegates Cadle and Steele for H. B. 2357

At 11:21 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 23, 2019.



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Wednesday, January 23, 2019

**FIFTEENTH 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 Tuesday, January 22, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2209**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Health and Human Resources be dispensed with.

In the absence of objection, reference of the bill (H. B. 2209) to the Committee on Health and Human Resources was abrogated.

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. 2330**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2330) was referred to the Committee on Government Organization.

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. 2223**, Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation,

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. 2223) 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. 2036**, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park,



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

In the absence of objection, reference of the bill (H. B. 2036) to the Committee on the Judiciary was abrogated.

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2097**, Relating to the hunting of coyotes,

And,

**H. B. 2518**, Authorizing the tracking of wounded or injured deer or bear with leashed dogs,

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. 2097 and H. B. 2518) were each referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2396**, West Virginia Fresh Food Act,

And,

**H. B. 2468**, Department of Agriculture Capital Improvements Fund,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2396 and H. B. 2468) were each referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2398**, Exempting all-terrain vehicles and utility terrain vehicles used as farm equipment from the sales tax,

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. 2398) was referred to the Committee on Finance.

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

Your Committee on Industry and Labor has had under consideration:

**H. B. 2470**, Allowing public school education or employer-sponsored training programs to count towards occupational certification and/or licensure,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2470) was referred to the Committee on Education.

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2521**, Relating to permitting fur-bearer parts,

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. 2521) was referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2091**, Increasing the minimum number of magisterial districts in a county,

And,

**H. B. 2309**, Allowing municipalities to cancel elections when only one person is running,

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. 2091 and H. B. 2309) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2010**, Relating to foster care,

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.

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2010) 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. 2600**, Relating to publication of sample ballots,

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

**Com. Sub. for H. B. 2600** - "A Bill to amend and reenact §3-4A-15 of the Code of West Virginia, 1931, as amended, relating to publication of facsimile sample ballots,"

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. 2547**, Relating to the election prohibition zone,

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

### **Messages from the Senate**

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. 3** - “A Bill to amend the Code of West Virginia, 1931, as amended, 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 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; 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”; which was referred to the Committee on Technology and Infrastructure then 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. 62** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-407a, relating to authorizing a court to require participation and successful completion of a drug court program or drug treatment program in order for a defendant, pleading or being found guilty of possession of a controlled substance which is or contains a controlled substance listed in §60A-2-204 of this code, other than marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 containing an opioid or opiate to qualify for a final order of discharge and dismissal”; which was referred to the Committee on Prevention and Treatment of Substance Abuse then 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. 152** - “A Bill to repeal §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, and §61-11B-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-11-26

of said code, relating generally to expungement of certain convictions; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; providing exclusions from eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating petitions for preliminary and final orders of expungement for expungable offenses; providing for preliminary orders of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; establishing fees; clarifying that an order of expungement does not reinstate eligibility for certain benefits lost due to expunged conviction; and making technical changes”; 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. 240** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, and §64-12-7, all relating generally to repealing certain legislative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies and commissions under the Department of Administration, Department of Environmental Protection, Department of Military Affairs and Public Safety, Department of Tax and Revenue, Department of Transportation, miscellaneous agencies, boards, and commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing the Department of Administration legislative rule relating to the state Purchasing Card Program; repealing the Department of Environmental Protection legislative rule relating to abandoned mine lands reclamation; repealing the Department of

Environmental Protection legislative rule relating to certification of gas wells; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority; repealing the Insurance Commission legislative rule relating to health insurance benefits for temporomandibular and craniomandibular disorders; repealing the Insurance Commission legislative rule relating to guaranteed loss ratios as applied to individual sickness and accident insurance policies; repealing the Insurance Commission legislative rule relating to external review of coverage denials; repealing the Insurance Commission legislative rule relating to mental health parity; repealing the Insurance Commission legislative rule relating to small employer eligibility requirements; repealing the Division of Motor Vehicles legislative rule relating to eligibility for reinstatement following suspension or revocation of driving privileges; repealing the Board of Social Work Examiners legislative rule relating to applications; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to the Safety Glazing Act"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates J. Kelly, Anderson, Azinger, Criss, Hollen, Angelucci, Atkinson, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaugle, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R.

Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution:

**H. R. 7** - “Commemorating the passing of the Honorable John Franklin Deem, veteran, businessman and dedicated public servant.”

On Thursday, October 18, 2018, the City of Parkersburg, the County of Wood, the State of West Virginia and the West Virginia Legislature suffered the loss of an outstanding public servant with the passing of the Honorable John Franklin Deem.

John Franklin Deem was born on March 20, 1928, in Harrisville, West Virginia, the son of Fulton S. Deem and Lyla Matheny Deem. Known throughout his life as “Frank”, he graduated from Harrisville High School, attended Mountain State Business College, West Virginia University and graduated with a degree in Petroleum Engineering from Marietta College.

Frank firmly believed in serving his state and country and served in the US Navy during World War II. His compassion and concern for the welfare of the citizens of West Virginia were exemplified by his service in the West Virginia Legislature in both the House of Delegates and State Senate in every decade from the 1950’s to 2018.

Frank Deem was a successful businessman who owned Frank Deem’s Market in Harrisville and Frank Deem Chevrolet in St. Marys, and he was the owner and operator of JF Deem Oil and Gas for more than 50 years.

In addition to his public service, Frank was also a member of numerous civic, social and public service organizations, including the Parkersburg Rotary Club, Parkersburg Country Club, Sons of the American Revolution, Independent Oil and Gas Association, West Virginia Oil and Natural Gas Association, United States Golf Association, and the WVUP Foundation.

Frank gave generously of his time to his community as a supporter of the Ritchie County Golf Program, the Boys and Girls



Club of Parkersburg, the Parkersburg Art Center and the West Virginia Symphony. He also supported education and was responsible for improvements to school grounds throughout the county.

While Frank Deem accomplished much in his life, he was perhaps most proud that he designed and built North Bend Golf Course in Harrisville.

A voracious reader, Frank subscribed to and clipped and saved articles from many publications. He was also outspoken and not shy about sharing his thoughts with the editors of West Virginia's newspapers and was a regular contributor to the opinion page. Frank traveled extensively and was known to enjoy a cocktail from time to time.

Frank is survived by his wife Rebecca Lewellyn Deem, and six children, Debbie Basham, Pam Howard, Patti Snodgrass, Mike Deem, Katy Coatney, John Deem; and two step children, Zachary Wilson and Catherine Shuman, as well as numerous grandchildren and great-grandchildren.

Through his years of public service Frank Deem touched and enriched many lives, and those who had the opportunity to know and work with him were truly fortunate. He devoted many hours to serving his constituents, his district, his state and its citizens. His colleagues at the Legislature will greatly miss his character, experience and statesmanship, and it is most fitting that we honor his memory; therefore, be it

*Resolved by the House of Delegates:*

That deepest regret and sorrow are hereby expressed by the members of this body at the passing of John Franklin Deem, veteran, businessman, dedicated public servant and friend; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable John Franklin Deem.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 7) to a committee was dispensed with, and it was taken up for immediate consideration and read by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 13**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 7) adopted.

### **Bills Introduced**

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

#### **By Delegates Hill, Stagers, Howell, Rowan and D. Jeffries:**

**H. B. 2607** - “A Bill to repeal §16-5C-16 and §16-5C-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-2, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15; §16-5C-18, §16-5C-20, §16-5C-21, and §16-5C-22 of said code, all relating to the licensure of nursing homes; repealing duplicative sections of code; defining terms; clarifying rule requirements; and clarifying enforcement action and due process procedures”; to the Committee on Health and Human Resources.

#### **By Delegates Nelson and Criss:**

**H. B. 2608** - “A Bill to repeal §61-3-39l of the Code of West Virginia, 1931, as amended, relating to requiring printing the date a consumer deposit account was opened on paper check”; to the Committee on Banking and Insurance then the Judiciary.

#### **By Delegates Nelson and Criss:**

**H. B. 2609** - “A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating to presumptions of

abandonment and indication of ownership in property held by a financial institution”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2610** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-31, relating to crimes against the person; creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated; and providing penalties”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2611** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §16-56-1, §16-56-2, and §16-56-3, all relating to ensuring patient safety; defining terms; creating an ‘acuity-based patient classification system;’ directing hospitals to establish an acuity standard; establishing minimum direct-care registered nurse to patient ratios; providing additional conditions for licensing; prohibiting assignment of unlicensed personnel to perform licensed nurse functions; requiring a full-time registered nurse executive leader; providing for quality assurance; requiring appropriate orientation and competence in clinical area of assignment with documentation thereof to be maintained in personnel files; and exempting critical access hospitals”; to the Committee on Health and Human Resources then Government Organization.

**By Delegates Hill, Fleischauer, Howell, Rowan, Walker and Wilson:**

**H. B. 2612** - “A Bill to amend and reenact §16-1-9c of the Code of West Virginia, 1931, as amended, to authorize that the Secretary of the Department of Health and Human Resources to propose rules related to completion or updating source water protection plans”; to the Committee on Health and Human Resources.

**By Delegate Rodighiero:**

**H. B. 2613** - “A Bill to amend and reenact §33-6B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-20-3 and §33-20-5 of said code, all relating to

prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance; limiting the use of a credit score to banking institution credit scoring for casualty insurance rate filings; prohibiting reliance on information which is false or potentially false; and limiting the use of a credit score in casualty insurance rate filings”; to the Committee on Banking and Insurance then Finance.

**By Delegates Rowan, Rohrbach, Boggs and C. Martin:**

**H. B. 2614** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §53-9-1, §53-9-2, §53-9-3, §53-9-4, §53-9-5, §53-9-6, §53-9-7, §53-9-8, §53-9-9, §53-9-10, §53-9-11, §53-9-12, §53-9-13, §53-9-14, §53-9-15, §53-9-16, §53-9-17, and §53-9-18, and §53-9-19, all relating to protective orders for victims of financial exploitation; definitions, providing for petitions, notice and hearings; appeals; assessing penalties and establishing limitations of time, authoring rules and providing for confidentiality measures”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2615** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring the State Board of Education to develop an elective course on Vocational Agriculture”; to the Committee on Education then Finance.

**By Delegates Rodighiero, Evans, R. Thompson, Tomblin and Hicks:**

**H. B. 2616** - “A Bill to amend and reenact §17D-2A-4 of the Code of West Virginia, 1931, as amended, relating to motor vehicle insurance; and providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Westfall, Hott and D. Jeffries:**

**H. B. 2617** - “A Bill to amend and reenact §33-6-31d of the Code of West Virginia, 1931, as amended, relating to the form for

making offer of optional uninsured and underinsured coverage by insurers; requiring Insurance Commissioner to provide for the use of electronic means of delivery and electronic signing of form; and requiring an insurer when offering to place an insured with an affiliate of the insurer, to make available a new uninsured and underinsured motorist coverage offer form”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Rowan, C. Martin, Rohrbach, Sypolt, Graves, Lovejoy, Longstreth, Boggs, Mandt, Maynard and J. Kelly:**

**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; definitions; and including the use of undue influence in the definition of the crime of an act of financial exploitation”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2095**, Assessing the college- and career-readiness of 11<sup>th</sup> and 12<sup>th</sup> grade students; 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. 14**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2095) 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. 2193**, Providing a specific escheat of US savings bonds; on third reading, coming up in regular order, was read a third time.

Delegate Byrd requested to be excused from voting on Com. Sub. for H. B. 2193 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. 15**), and there were—yeas 72, nays 28, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Caputo, Dean, Diserio, Doyle, Fluharty, Hartman, Hornbuckle, J. Jeffries, J. Kelly, Kump, Lavender-Bowe, Linville, Longstreth, P. Martin, McGeehan, Paynter, Rodighiero, Sponaule, C. Thompson, Walker, Williams and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2193) 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. 2423**, Prohibiting certain sex offenders from being in a supervisory position over children; 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. 16**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2423) passed.

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

#### Second Reading

**Com. Sub. for H. B. 2005**, Broadband Expansion Act of 2019; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of amendments on that reading.

**Com. Sub. for H. B. 2346**, Changing the licensing requirement for certain casino employees; 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. 2360**, Placing the Athletic Commission under the Lottery Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2412**, Relating to criminal acts concerning government procurement of commodities and services; 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. 2422**, Relating to the time for the observation of “Celebrate Freedom Week”; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2459**, Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

**H. B. 2009**, Creating a new category of Innovation in Education grant program,

**Com. Sub. for H. B. 2435**, Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations,

**Com. Sub. for H. B. 2446**, Blue Alert Plan,

**H. B. 2509**, Clarifying that theft of a controlled substance is a felony,  
And,

**H. B. 2527**, Relating to forgery and other crimes concerning lottery tickets.

**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 Nelson for H. B. 2400
- Delegate Hanna for H. B. 2401
- Delegate Lovejoy for H. B. 2459 and H. B. 2569
- Delegates S. Brown, Lavender-Bowe, Lovejoy, Maynard, Storch, C. Thompson and Walker for H. B. 2464
- Delegate Foster for H. B. 2602

At 12:24 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 24, 2019.



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Thursday, January 24, 2019

**SIXTEENTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 23, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2378**, Relating generally to grounds for revocation of a teaching certificate,

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. 2378) was referred to the Committee on the Judiciary.

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

**By Delegates Westfall, Rohrbach, Zukoff, Toney, R. Thompson, J. Kelly, Evans, Dean and Campbell:**

**H. B. 2662** - "A Bill to amend and reenact §18A-2-5 and §18A-4-8e of the Code of West Virginia, 1931, as amended, all relating

to certificates or employment of school personnel; providing that a service personnel contract of employment is automatically terminated if the employee is convicted of certain crimes; and providing that a bus operator certificate is automatically revoked if the bus driver is convicted of certain crimes.”

The Speaker referred the bill (H. B. 2662) to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2203**, West Virginia Contractor Licensing Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2203) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2353**, Allowing purchase of hardware items and equipment for state-wide road system from a local seller rather than the holder of a state contract,

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. 2353) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2514**, Permitting pawn brokers to disclose whether any specific property has been sold or pledged,

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

Delegate Jennings, 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. C. R. 10**, Resiliency Week,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 10) was referred to the Committee on Rules.

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

Your Committee on Finance has had under consideration:

**H. J. R. 17**, Business Inventory, Machinery and Equipment Tax Exemption Amendment,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 17) was referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

**H. J. R. 18**, Property Tax Relief for Seniors and Disabled Veterans Amendment,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 18) was referred to the Committee on the Judiciary.

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. 2191**, Relating generally to limited video lottery,

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

**Com. Sub. for H. B. 2191** - “A Bill to amend and reenact §29-22B-321, §29-22B-503, §29-22B-504, §29-22B-903, and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; modifying the definition of ‘operator’; allowing operators to be retailers at up to 10 licensed locations with certain exceptions; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state’s share of gross terminal income at 50 percent on July 1, 2019,”

With the recommendation that the committee substitute do pass.

On motion for leave, a resolution was introduced (Originating in the Committee on the Judiciary 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 Bates, S. Brown, Fleischauer, Kump, Pushkin and Wilson:**

**H. C. R. 24** - "Requesting the West Virginia Legislative Oversight Commission on Health and Human Resources to research, study and make recommendations regarding a state-administered wholesale prescription drug importation program."

Whereas, The citizens and State of West Virginia are burdened by rapidly rising health care costs; and

Whereas, The cost of prescription drugs is recognized as a measurable portion of those rapidly rising healthcare costs; and

Whereas, Pharmaceutical products from Canada cost measurably less; and

Whereas, In most circumstances it is illegal to import drugs into the United States for personal use without the authorization of the federal government; and

Whereas, In this context, some states are considering, as a means to ameliorate the cost of prescription drugs, the establishment of importation programs where a licensed wholesaler imports drugs from Canada for distribution and dispensation to state residents; and

Whereas, For one, Vermont has passed legislation for the wholesale importation of prescription drugs from Canada; and

Whereas It appears that there are many issues related to acquiring pharmaceutical products from Canada which involve legal and economic variables which are yet unknown, and

Whereas The suitability of a program for the importation of prescription drugs from Canada for the health, welfare and economic benefit of the citizens of West Virginia should be properly determined through investigation of all relevant issues and factors, some known and some which may yet to be determined, including but not limited to, identifying which state agency which will be best suited to administer the design and implementation of such a program, which

criteria will best ensure federal certification and approval to import safe prescription drugs at low cost for West Virginia's consumers, efficient cooperation and coordination with public and private health insurers, compliance with relevant federal law, financial and economic considerations, the quality of imported pharmaceuticals, monitoring, implementation, licensing, marketing, and other issues; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the West Virginia Legislative Oversight Commission on Health and Human Resources to research and make recommendations regarding a state-administered wholesale prescription drug importation program; and, be it

*Further Resolved,* That the Legislative Oversight Commission on Health and Human Resources report to the Joint Committee on Government and Finance, by December 31, 2019, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; 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.

The Speaker referred the resolution to the Committee on Rules.

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. 2083**, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license,

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

**Com. Sub. for H. B. 2083** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-1c, relating to facilitating a released inmate’s reintegration into society, by requiring the Division of Corrections and Rehabilitation to provide an identification card for eligible released inmates who do not have a West Virginia identification card or driver’s license; permitting the Division of Motor Vehicles to make visits to Division of Corrections and Rehabilitation’s facilities to assist inmates with applications to obtain a West Virginia identification card; providing that the Division of Corrections and Rehabilitation be temporary in nature; providing that the identification card issued by the Division of Corrections and Rehabilitation have the same force and effect as a standard/Not For Federal Use identification card; providing that the Division of Motor Vehicles shall accept an unexpired Division of Corrections and Rehabilitation identification card and a document from the Division of Corrections and Rehabilitation as the only two (2) items needed to issue a standard/Not For Federal Use identification card; and requiring a former inmate to pay all fees charged by the Division of Motor Vehicles related to the issuance of an identification card.”

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. 2083) 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:

**S. B. 119**, Specifying documents not subject to discovery in certain proceedings,

**S. B. 272**, Updating code relating to Commission on Special Investigations,

**Com. Sub. for S. B. 17**, Relating to probation eligibility,

And,

**H. B. 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property,

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

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. 2550**, Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program,

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. 2550) was referred to the Committee on Finance.

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. 2478**, Modifying the Fair Trade Practices 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. 2478) was referred to the Committee on the Judiciary.



### 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. 1** - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary education program in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnerships in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund”; which was referred to the Committee on Education 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. 18** - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to crimes against the peace generally; offenses occurring at State Capitol Complex property; and removing the requirement that a person lawfully entitled to possess a firearm must have a concealed weapons permit to have a firearm in his or her vehicle on 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 passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 255** - “A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating generally to the Emergency Medical Services Advisory Council; reconfiguring and increasing the membership of the council by adding three voting citizen-members; and requiring three members to be representative of professional groups”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 354** - “A Bill expiring funds to the balance of the Auditor’s Office – Chief Inspector’s Fund, fund 1235, fiscal year 2019, organization 1200, in the amount of \$1,500,000, from the Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2019, organization 1200, by supplementing and amending chapter one, Acts of the Legislature, 2018, known as the Budget Bill”; which was referred to the Committee on Finance.

### **Resolutions Introduced**

Delegates Westfall, Higginbotham, Cadle, J. Jeffries, Atkinson, Miller and Butler offered the following resolution,

which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 30** - “Requesting the Division of Highways name bridge number 18-331-1.84, locally known in Cottageville, Jackson County, as the Cottageville concrete I-beam bridge crossing Little Mill Creek, the ‘Thomas Brothers Memorial Bridge’.”

Whereas, Brothers Marion, James, and Alvin Thomas were the sons of Mr. and Mrs. A. H. Thomas. All three sons were born and raised in in the community of Mt. Alto, Union District, Jackson County, West Virginia; and

Whereas, The Thomas family is believed to be the first family in the country which had three brothers, Marion, James, and Alvin Thomas, serve together in uniform in the United States Army during the Korean War; and

Whereas, Marion H. Thomas, the oldest brother, was born in Ripley, West Virginia, on May 24, 1927. Marion initially served in the United States Navy for 31 months during World War II, then returned to service with the United States Army for the Korean War. He was posted at Fort Sill, Oklahoma before being deployed to the front line in the Korean War. Marion passed away January 22, 1985; and

Whereas, James H. Thomas, the middle brother, was born in Ripley, West Virginia, on September 27, 1931. James served with United States Army Air Forces in the Korean War and retired from Rockwell International after 39 years of service. He was an avid hunter and fisherman, loved playing tricks on people, especially his neighbors, and enjoyed spending time with his Bassett Hound, Susie. James passed away November 24, 2012; and

Whereas, Alvin W. Thomas, the youngest brother, was born in Leon, West Virginia, on November 19, 1933. Alvin, also a Korean War Veteran, enlisted in the U.S. Army at 17 years old and was initially posted at Fort Knox, Kentucky. After the war Alvin worked for the West Virginia Department of Highways and retired

after 30 years of service. Alvin was a true outdoorsman and enjoyed hunting, fishing, and hunting for ginseng. He loved going to yard sales, flea markets and auctions. Alvin passed away November 18, 2017; and

Whereas, It is fitting that a permanent memorial be established to the exemplary lives and service of the Thomas brothers of Jackson County, West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-331-1.84, locally known in Cottageville, Jackson County, as the Cottageville concrete I-beam bridge crossing Little Mill Creek, the “Thomas Brothers 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 “Thomas Brothers 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, Rodighiero, Hicks and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 31** - “Requesting the Division of Highways name bridge number 50-37-22.70 (50A076), locally known as the East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the ‘CPL Lee Roy Young Memorial Bridge’.”

Whereas, U. S. Army Corporal Lee Roy Young was born in 1933 in Genoa, Wayne County, West Virginia; and

Whereas, CPL Young joined the United States Army and served with the 8<sup>th</sup> Cavalry Regiment, 1<sup>st</sup> Cavalry Division, in the Chorwon area in the Korean War; and

Whereas, CPL Young was seriously wounded while fighting the enemy in South Korea on May 26, 1951; and

Whereas, Despite his wounds, CPL Young returned to duty on May 29, 1951; and

Whereas, CPL Young was subsequently killed in action while fighting the enemy in North Korea on October 17, 1951. He is buried in the Young Family Cemetery in Genoa, Wayne County, West Virginia; and

Whereas, Naming this bridge is an appropriate recognition of CPL Young's contributions and sacrifice to his country and to the State of West Virginia, the state of his birth; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-37-22.70 (50A076), locally known as the East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the "CPL Lee Roy Young 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 "CPL Lee Roy Young 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 Howell, Hanshaw (Mr. Speaker), Angelucci, Barrett, Bibby, S. Brown, Butler, Byrd, Cadle, Criss, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fluharty, Foster, Hamrick, Hanna, Hardy, Harshbarger, Hicks, Higginbotham, Hollen, Hott, Householder, J. Jeffries, Jennings, J. Kelly, Kessinger, Kump, Linville, Lovejoy, Mandt, C. Martin, P. Martin, Maynard, Miller,

Pack, Paynter, Phillips, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Sponaugle, Stagers, Steele, Summers, Swartzmiller, Sypolt, C. Thompson, Toney, Walker, Waxman, Wilson, Worrell, Zukoff and Graves offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 32** - "Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways."

*Resolved by the Legislature of West Virginia:*

That the Secretary of the Department of Transportation is hereby requested to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways.

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Transportation and the Governor.

Delegates Wilson, Bibby, Paynter, Phillips, Worrell, Foster, Higginbotham, Malcolm, Sypolt, Steele, Harshbarger, Jennings, Mandt, Queen and Waxman offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

**H. C. R. 33** - "Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings and declarations limiting the application."

**SECTION 1. Application for a convention for proposing amendments.**

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

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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

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

## **SECTION 2. Reservations, understandings and declarations.**

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

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

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

3. Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does



it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

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

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

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

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

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

**By Delegates McGeehan, Hamrick, Dean, Howell, Butler, Wilson, Paynter, Bibby, Kump and Kessinger:**

**H. J. R. 19** - "Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two-thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a

summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegates McGeehan, Paynter, J. Jeffries, Wilson, Kessinger, C. Martin, Storch, Hill, Hanna, Fast and P. Martin:**

**H. J. R. 20** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section fifty-one, article VI thereof, relating to the establishment of a general fund expenditure limit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

**By Delegates Cooper, Pack, Cadle, Westfall, D. Kelly, Capito, Rowan, Queen, Hill, Malcolm and Foster:**

**H. B. 2013** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-2b; and to amend and reenact §18A-4-2 of said code, all relating to providing a bonus for teachers willing to teach in certain critical needs areas and increasing state minimum salary of special needs teachers and teachers of mathematics and computer science in grades seven through 12”; to the Committee on Education then Finance.

**By Delegates Linville, Butler, McGeehan, Graves, Waxman, Higginbotham, Hamrick, Worrell, Howell, Wilson and Mandt:**

**H. B. 2619** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; to amend said code by adding thereto a new section, designated 29-3D-4a; and to amend said code by adding thereto a new article, designated §29-32-1, all relating to allowing military

veterans with certain military ratings to qualify for examination for license as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter; directing state agencies to recognize the value of military job training and directing boards to provide training to facilitate transition from military to civilian work for certain veterans having acquired skills closely aligned with civilian job skills”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Westfall, Dean, Atkinson, Hanna and R. Thompson:**

**H. B. 2620** - “A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to modifying the contact requirements with a student’s guardians upon accrual of unexcused absences; specifying that a principal may make meaningful contact with guardians after a student has accrued three unexcused absences; and requiring meaningful contact be made with guardians after a student has accrued three and five unexcused absences”; to the Committee on Education then the Judiciary.

**By Delegates Nelson and Criss:**

**H. B. 2621** - “A Bill to amend and reenact §31A-2-4 of the Code of West Virginia, 1931, as amended, relating to background checks of certain financial institutions; changing the Division of Banking to Division of Financial Institutions; allowing commissioner to accept alternate report forms in limited circumstances for certain non-United States-based principals or owners; and making technical corrections”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Zukoff, Bibby, Summers, Lavender-Bowe, Canestraro, Pushkin, Kessinger, Storch, Williams, Westfall and Capito:**

**H. B. 2622** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-6-42, relating to allowing certified facility dogs to accompany witnesses

at criminal trials when the court finds that doing so will assist the witness giving testimony”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2623** - “A Bill to amend and reenact §11-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the assessor of each county to, within three months of a deed filing in the county clerk’s office of each county, prepare a new property tax ticket and cause the tax ticket to be mailed from the county sheriff’s office”; to the Committee on Political Subdivisions then Finance.

**By Delegate Howell:**

**H. B. 2624** - “A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Robinson, Estep-Burton, Pushkin, Byrd, Rowe, Capito, Lovejoy, Canestraro, Fluharty, Miller and N. Brown:**

**H. B. 2625** - “A Bill to amend and reenact §16-5S-9 of the Code of West Virginia, 1931, as amended, relating to establishing reimbursement rates for congregate and in-home meals”; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegates Stagers, Angelucci, S. Brown, Boggs and Paynter:**

**H. B. 2626** - “A Bill to amend and reenact §16-4C-3, §16-4C-4, §16-4C-5, and §16-4C-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §16-4C-4a, §16-4C-4b and §16-4C-5a, all relating to emergency medical services; continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety; updating definitions; creating the positions of Executive Director, Medical Director and Administrative Director for the office; establishing and clarifying the powers and duties of the directors; reconstituting the Emergency Medical Service Advisory Council with nine members; and requirements for the state medical protocols”; to the

Committee on Health and Human Resources then Government Organization.

**By Delegates Pack, Howell, Steele, McGeehan, Graves, Cooper, Lovejoy and Wilson:**

**H. B. 2627** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to removing all costs and fees from a Silver Star registration plate”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

**By Delegate Rodighiero:**

**H. B. 2628** - “A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-27, all relating to including volunteer firefighters within the Public Employees Insurance Act and requiring the county commissions to pay either three-fourths or the full amount of premiums”; to the Committee on Political Subdivisions then Finance.

**By Delegates J. Jeffries, Paynter, Wilson, Porterfield, Graves, Cadle, Kump, P. Martin, D. Jeffries and Butler:**

**H. B. 2629** - “A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to ending tolls on the West Virginia Turnpike effective July 1, 2019”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Westfall, Criss, Atkinson, Dean, Summers and Hanna:**

**H. B. 2630** - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring each county school board to employ at least one full time school nurse for each public school”; to the Committee on Education then Finance.

**By Delegate Rodighiero:**

**H. B. 2631** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16B-6f, relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia

Children's Health Insurance Program"; to the Committee on Banking and Insurance then Finance.

**By Delegates Kump, Wilson, J. Jeffries, Bibby, Householder, Cadle, McGeehan, Kessinger, Azinger, Fast and Malcolm:**

**H. B. 2632** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to education; providing for the Tim Tebow Act; permitting students instructed at home, by a private tutor or enrolled in a private, parochial, or church school or a school operated by a religious order, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular activities that are under the authority of the commission at a school that is a member of the commission; providing requirements, standards, and insurance coverage; and providing that accommodating schools may not be impeded from competing against other schools"; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2633** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the authority of the Commissioner of Motor Vehicles to issue a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder who operates a motor vehicle in this state"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Rodighiero:**

**H. B. 2634** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-1b, relating to requiring school bus aides, who are trained to prevent bullying and to provide a safe environment for the students while being transported on a school bus, to be present on school buses"; to the Committee on Education then Finance.

**By Delegate Rodighiero:**

**H. B. 2635** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a; to amend said code by adding thereto a new section, designated §5-10-22i;

to amend said code by adding thereto a new section, designated §18-7A-26w; and to amend said code by adding thereto two new sections, designated §18A-4-2d, and §18A-4-8j, all relating to granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase”; to the Committee on Education then Finance.

**By Delegate Rodighiero:**

**H. B. 2636** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting volunteer firefighters from fees for hunting, fishing and trapping licenses and permits; providing that fees for hunting, trapping and fishing licenses and permits are waived for volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Howell, Jennings, Sypolt, Worrell, Toney, Waxman, Hanshaw (Mr. Speaker), Foster, Hamrick, Kessinger and Pack:**

**H. B. 2637** - “A Bill to amend and reenact §24-1-1 of the Code of West Virginia, 1931, as amended, relating to excluding electric generating facilities designated as an exempt wholesale generator from being regulated by the commission; requiring electric generating facilities owners or operators not designated an exempt wholesale generator to obtain a siting certificate from the commissioner prior to construction; requiring persons, entities, or corporations constructing or constructing and operating an electric generating facility not designated an exempt wholesale generator to obtain a siting certificate from the commissioner prior to construction; and, excluding electric generating facilities from siting requirements to make material modifications to facilities”; to the Committee on Energy.

**By Delegates Paynter, Dean, Maynard, Cooper, Rohrbach, Campbell, Lavender-Bowe, Waxman, Graves, R. Thompson and Cowles:**

**H. B. 2638** - “A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing

the penalties for overtaking and passing a school bus”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates J. Jeffries, D. Jeffries, Worrell, Pack, Steele, Foster, Waxman, Kump, McGeehan, Wilson and Maynard:**

**H. B. 2639** - “A Bill to amend and reenact §18-4-4 of the Code of West Virginia, 1931, as amended, relating to placing a limit on the salary of a county superintendent of schools”; to the Committee on Education then Finance.

**By Delegates Wilson, S. Brown, Malcolm, J. Jeffries, Waxman, Storch, Graves, Summers, Rowan, Staggers and Longstreth:**

**H. B. 2640** - “A Bill To amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates regardless of sex eligible to work on a state convict road force”; to the Committee on the Judiciary.

**By Delegates Canestraro, Diserio, Pethel, Fluharty and Zukoff:**

**H. B. 2641** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-42, all relating to requiring owners of oil and gas wells to install and maintain separate meters that calculate the amount of production from those wells; requiring the Secretary of the Department of Environmental Protection to work with the State Tax Commissioner to implement procedures allowing the Office of Oil and Gas to verify production; requiring that information be shared with county assessors and royalty owners; and requiring rulemaking”; to the Committee on Energy.

**By Delegates Sponaugle, Miley, Shott, Lovejoy, Hornbuckle, Robinson, Caputo and Fluharty:**

**H. B. 2642** - “A Bill to amend and reenact §55-17-3 of the Code of West Virginia, 1931, as amended, relating to clarifying what constitutes an action requiring service to the Attorney General and notice to the Legislature”; to the Committee on the Judiciary.



**By Delegates Sponaugle, Hott, McGeehan, Cadle and Cowles:**

**H. B. 2643** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1, §19-37-2 and §19-37-3, all relating to raw milk; creating the West Virginia Farm Fresh Raw Milk Act; exempting certain sales from licensure and certification; providing definitions; requiring the use of best sanitary milking and milk handling procedures; empowering the Department of Agriculture to conduct inspections and administer the program; providing requirements for sales; and providing immunity to producers when a consumer illness results from improper handling by customers”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates R. Thompson, N. Brown and Hicks:**

**H. B. 2644** - “A Bill to amend and reenact §20-2-47 of the Code of West Virginia, 1931, as amended, relating to allowing an owner of Japanese quail (*Coturnix Quail* and *Button Quail*) to keep them as pets without having to obtain a license for a private game farm”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates R. Thompson and Hicks:**

**H. B. 2645** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §62-10-9a, relating to power of security guards to arrest individuals”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Higginbotham, Foster, Pack, Wilson, Sypolt, Westfall, Hardy, Butler, Atkinson and Cadle:**

**H. B. 2646** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-4a, relating to providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees prior to the filing of a lawsuit; prohibiting an employee from seeking liquidated damages or attorney’s fees when bringing an action for the underpayment or nonpayment of wages and benefits due upon the employee’s separation of employment without first making a written demand on the employer; permitting only those employees who have made a written demand on the

employer may be included in a class action lawsuit brought for the underpayment or nonpayment of wages and benefits due upon the employee's separation of employment; and defining the term 'written demand'; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Westfall, Maynard, Hartman and Atkinson:**

**H. B. 2647** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-38, relating to establishing a limited lines insurance license for self-storage providers; defining terms"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Summers:**

**H. B. 2648** - "A Bill to amend and reenact §30-1-7a of the Code West Virginia, 1931, as amended, relating to continuing education for registered nurses and advanced nurse practitioners; exempting them from continuing education in drug diversion, controlled substance prescribing practices, and administration of opioid antagonists; exempting them from continuing education for screening veterans and families of veterans for signs of certain mental and emotional disorders; and removing the requirement for the Board of Examiners for Registered Professional Nurses to establish requirements and criteria therefor"; to the Committee on Health and Human Resources.

**By Delegate Rodighiero:**

**H. B. 2649** - "A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and providing state health care services for all active and inactive duty military personnel"; to the Committee on Banking and Insurance then Finance.

**By Delegate Rodighiero:**

**H. B. 2650** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-13, relating to establishing seniority rights for public employees; defining when seniority begins; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the

first right of refusal for extra duty, overtime and promotions; and determining seniority in case of absence”; to the Committee on Government Organization then Finance.

**By Delegates Ellington, Hill, Summers, Pushkin and Bates:**

**H. B. 2651** - “A Bill to amend and reenact §33-51-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-51-10, all relating to pharmacy benefit managers; mandating the disclosure of cost alternatives to covered individuals; requiring quarterly reports on cost and claim data; and requiring the Public Employees Insurance Agency to prepare a public report of impact on costs”; to the Committee on Health and Human Resources then Finance.

**By Delegate Rodighiero:**

**H. B. 2652** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g, relating to public health; requiring all public accessible restrooms to provide hand sanitizers either in or at the exit from the restroom portion of the public facility; and providing for rule-making authority”; to the Committee on Health and Human Resources then Finance.

**By Delegates Graves, Pack, Capito, Kessinger, D. Jeffries, Malcolm, Linville, Wilson, Phillips, Mandt and Kump:**

**H. B. 2653** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to creating a presidential service registration plate”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Harshbarger, Bibby and Hanna:**

**H. B. 2654** - “A Bill to amend and reenact §17C-16-1, §17C-16-2, §17C-16-3, and §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to inspection of motor vehicles; and removing certain vehicles from the requirement for vehicle inspection; and requiring the Superintendent of the West Virginia State Police to propose legislative rules defining the exempt vehicles”; to the Committee on Government Organization then Finance.

**By Delegates Graves and Dean:**

**H. B. 2655** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the modification reducing income for personal income tax for retired teachers and retired state employees”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hardy, Bibby, Howell, J. Jeffries, Maynard, Harshbarger, Doyle, Cadle, S. Brown, Wilson and Kessinger:**

**H. B. 2656** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15D-1, §33-15D-2, §33-15D-3, §33-15D-4, §33-15D-5, and §33-15D-6, all relating to creating the Health Care Choice Act; stating legislative findings and purpose; authorizing insurers from other states to engage in the business of health insurance in West Virginia only with the written approval of the Insurance Commissioner and subject to qualifications and other requirements determined by the Insurance Commissioner”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Maynard, J. Jeffries, Paynter, Pack and Hardy:**

**H. B. 2657** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-2a, relating to registration of military surplus vehicles”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Maynard, Paynter, J. Jeffries, Sypolt, Miller, Pack, Lovejoy, Jennings, Angelucci and Worrell:**

**H. B. 2658** - “A Bill to amend and reenact §29-3-8 of the Code of West Virginia, 1931, as amended, relating to eliminating the State Fire Marshall’s comprehensive report regarding the transfer of authority and responsibility of providing fire services to the counties”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

**By Delegate Bates:**

**H. B. 2659** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13A-5c; and to

amend said code by adding thereto a new article, designated §11-13DD-1, §11-13DD-2 and §11-13D-3, all relating to establishing a tax on the production of natural gas to fund the public employees insurance program; establishing a special revenue account; providing that proceeds retained in account be used for the benefit of supplementing state and employee contributions thereto; and providing that upon certification by PEIA Finance Board that fund is sufficient to maintain benefits for five-year period remaining funds subject to legislative appropriation”; to the Committee on Banking and Insurance then Energy.

**By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethtel, Storch, D. Kelly, Swartzmiller, Nelson and Harshbarger:**

**H. B. 2660** - “A Bill to amend and reenact §24-2-1k of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; natural gas infrastructure; actual investment of capital and costs; and how utility’s expedited cost recovery are calculated and determined”; to the Committee on Energy.

**By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethtel, Storch, D. Kelly, Swartzmiller, Nelson and Harshbarger:**

**H. B. 2661** - “A Bill to amend and reenact §24-2-4c of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-3-7 of said code, all relating to natural gas utilities; permitting a natural gas utility to make a request for proposal for incentivized gas drilling where dependable, lower-priced supplies of natural gas are not readily available; permitting the natural gas utility to recover that cost; and permitting a natural gas utility to recover the cost reasonably necessary to convert a customer to an alternate fuel source when gas service to that customer has been abandoned”; to the Committee on Energy.

## **Special Calendar**

### **Third Reading**

**Com. Sub. for H. B. 2005**, Broadband Expansion Act of 2019; on third reading, coming up in regular order, with amendments

pending, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

**Com. Sub. for H. B. 2346**, Changing the licensing requirement for certain casino employees; 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. 17**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Nelson and Porterfield.

Absent and Not Voting: Boggs and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2346) 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. 2360**, Placing the Athletic Commission under the Lottery Commission; 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. 18**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast and Porterfield.

Absent and Not Voting: Boggs and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2360) 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. 2412**, Relating to criminal acts concerning government procurement of commodities and services; 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. 19**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2412) passed.

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

**H. B. 2412** – “A Bill to repeal §5A-3-28, §5A-3-30, and §5A-3-31 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-5B-1, §61-5B-2, §61-5B-3, and §61-5B-4, relating to prohibited conduct concerning government procurement of commodities and services; moving certain provisions relating to government procurement from chapter 5A to chapter 61; defining terms; including the provision of cash, credit, and waivers of debt or liability as commodities; prohibiting procurement authorities from having personal interest in government procurement; applying provisions to all branches and units of state government; prohibiting fraud and attempts to defraud government entities in procurement; prohibiting knowing acceptance and delivery of inferior goods and services; defining unfair and corrupt acts regarding change orders; and establishing criminal penalties therefor.”

*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. 2422**, Relating to the time for the observation of “Celebrate Freedom Week”; 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. 20**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2422) 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. 2459**, Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law; 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. 21**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2459) 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. 2462**, Issuing a certificate to correctional employees to carry firearms; 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. 22**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and C. Thompson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2462) passed.

An amendment to the title of the bill was reported by the Clerk and adopted, amending the title to read as follows:

**H. B. 2462** - “A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to the training, qualification, certification and authorization for carry of firearms by correctional employees; providing that after successful completion of designated firearms training, the commissioner may issue a certificate to carry division issued firearms to correctional employees; establishing that authorized correctional employees may carry division-issued firearms during performance of official duties and when traveling to and from work; establishing the commissioner’s firearm training program must be equivalent to the firearms training requirements for deputy sheriffs; requiring that the correctional employee must successfully complete an annual designated firearms course as established by legislative rule to maintain the certificate; and, providing the certificate bearing the commissioner’s signature shall be in a form prescribed by the commissioner.”

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

#### Second Reading

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

**H. B. 2009**, Creating a new category of Innovation in Education grant program,

**Com. Sub. for H. B. 2435**, Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations,

**Com. Sub. for H. B. 2446**, Blue Alert Plan,

**H. B. 2509**, Clarifying that theft of a controlled substance is a felony,

And,

**H. B. 2527**, Relating to forgery and other crimes concerning lottery tickets.

#### First Reading

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

**H. B. 2036**, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park,

**H. B. 2209**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician,

**H. B. 2547**, Relating to the election prohibition zone,

And,

**Com. Sub. for H. B. 2600**, Relating to publication of sample ballots.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs and C. Thompson.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Bates during Remarks by Members in the Appendix to the Journal.

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

- Delegate Miller for H. B. 2083
- Delegate Wilson for H. B. 2169 and H. B. 2321
- Delegate Steele for H. B. 2602
- Delegate Williams for H. B. 2400
- Delegate Byrd for H. B. 2461
- Delegate Espinosa for H. B. 2474, H. B. 2476, H. B. 2479, H. B. 2480 and H. B. 2536
- Delegate Pyles for H. B. 2533
- Delegate Zukoff for H. B. 2541
- Delegates Fast, Queen and Nelson for H. B. 2550
- Delegate Porterfield for H. B. 2474, H. B. 2476, H. B. 2479, H. B. 2480 and H. B. 2536

At 11:48 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 25, 2019.



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Friday, January 25, 2019

## SEVENTEENTH 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, January 24, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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

**H. B. 2618**, Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person,

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. 2618) was referred to the Committee on the Judiciary.

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

**H. B. 2614**, Providing protective orders for victims of financial exploitation,

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. 2614) 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. 2545**, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee,

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. 2545) was referred to the Committee on Finance.

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. 2474**, Relating to a reserving methodology for health insurance and annuity contracts,

**H. B. 2479**, Corporate Governance Annual Disclosure Act,

**H. B. 2480**, Relating to the regulation of an internationally active insurance group,

And,

**H. B. 2536**, Relating to the Mine Subsidence Insurance program,

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. 2474, H. B. 2479, H. B. 2480 and H. B. 2536) were each referred to the Committee on the Judiciary.

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

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

**H. B. 2530**, Creating a voluntary certification for recovery residences,

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

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

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

**H. B. 2531**, Permitting trained nurses to provide mental health services in a medication-assisted treatment program,

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

**Com. Sub. for H. B. 2531** - "A Bill to amend and reenact §16-5Y-5 of the Code of West Virginia, 1931, as amended, relating to permitting certain trained professionals to provide counseling in a medication-assisted treatment program,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2525**, Tobacco Cessation Therapy Access Act,

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

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

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

**H. B. 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children,

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

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

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

**H. B. 2407**, Relating to registered professional nurses,

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

**Com. Sub. for H. B. 2407** - "A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend and reenact §16-5B-19 of said code; to amend and



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

With the recommendation that the committee substitute do pass.

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. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy,

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

**Com. Sub. for H. B. 2324** - “A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17, and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; defining terms; providing rulemaking and emergency rule-making authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope; prohibiting advertising; and providing for the suspension or revocation of certificates.”

With the recommendation that the committee substitute 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. 2510**, Relating to special funds of boards of examination or registration,

And,

**H. B. 2559**, Requiring a special report by the Division of Personnel,

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. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2363) was referred to the Committee on Education.

### **Messages from the Senate**

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. 223** - "A Bill to amend and reenact §64-10-1, §64-10-2, and §64-10-3 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Labor to promulgate a legislative rule relating to wage payment and collection; authorizing the Division of Labor to promulgate a legislative rule relating to child labor; authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the safety of those employed in and around surface mines in West Virginia; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules for operating diesel equipment in underground mines in West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project

permitting ATVs and ORVs”; which was referred to the Committee on Energy then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 4** - “Requesting the Division of Highways name a portion of State Route 16 from milepost 22.85 to milepost 26.7 in McDowell County, the ‘U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road’.”

Whereas, Dennis Ray Blankenship was born January 8, 1938, in Bartley, McDowell County, West Virginia; and

Whereas, Dennis Ray Blankenship served in the United States Marine Corps during the Vietnam War and reached the rank of Lieutenant Colonel; and

Whereas, Lt. Col. Dennis Ray Blankenship was highly decorated for his conspicuous gallantry and intrepidity in action, and was awarded the Silver Star; and

Whereas, Naming a portion of road in McDowell County is an appropriate recognition of his service and sacrifice for his country, his state, his community, and McDowell County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of State Route 16 from milepost 22.85 to milepost 26.7 in McDowell County, the “U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U.S. Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road”; 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. 9** - “Requesting the Division of Highways name bridge number 49-32-12.86 (49A061), locally known as Alton Deck Girder, carrying County Route 32 over the Buckhannon River in Upshur County, the ‘U. S. Army PFC Winten L. Wayts Memorial Bridge’.”

Whereas, Winten L. Wayts, son of Mr. and Mrs. Willard H. Wayts, of Alton, Upshur County, West Virginia, was born February 13, 1933, at Alton; and

Whereas, PFC Winten L. Wayts served in the U.S. Army as a member of the 712<sup>th</sup> Transportation Railway Operating Battalion; and

Whereas, On August 22, 1951, PFC Winten L. Wayts died as a result of injuries he sustained from falling from a train while on duty as a brakeman near Seoul, South Korea; and

Whereas, PFC Winten L. Wayts’ remains are buried at Indian Camp Cemetery at French Creek, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Winten L. Wayts who lost his life in service to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 49-32-12.86 (49A061), locally known as Alton Deck Girder, carrying County Route 32 over the Buckhannon

River in Upshur County, the “U. S. Army PFC Winten L. Ways Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Winten L. Ways Memorial Bridge”; and, be it

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

### **Resolutions Introduced**

Delegates Caputo, Hornbuckle, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Canestraro, Diserio, Estep-Burton, Evans, Fleischauer, Fluharty, Hartman, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin and Walker offered the following resolution, which was read by its title and referred to the Committee on Pensions and Retirement then Rules:

**H. C. R. 34** - “Requesting the Joint Committee on Government and Finance to study and review restitution issues facing West Virginia’s counties.”

Whereas, West Virginia’s counties face issues and delinquencies regarding unpaid and uncollected moneys due and owed to them, including compensation, damages, indemnifications, quittances, court judgments, recompenses, recoupments, redresses, remunerations, reparations, and other financial satisfactions; and

Whereas, In order to better assist counties to collecting these owed and unpaid debts it is incumbent upon us to first know the scope of the issue; and

Whereas, It is essential that it be known, for example, on what entries have been made on the counties’ books, the basis of those entries, how much is considered uncollectible and why, and where the moneys were to have gone; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to study and review restitution issues facing West Virginia's counties; and, be it

*Further Resolved,* That in conducting the study, the Committee review the following issues related to success on collecting the moneys owed to the counties, including what entries have been made on the counties' books, the basis of those entries, how much is considered uncollectible and why, where the moneys were to have gone, and any other pertinent information; and, be it

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

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

**H. C. R. 35** - "Requesting the Division of Highways name bridge number 42-25-21.84 (42SS028), locally known as the Hart Chapel Bridge, carrying County Route 25 over Laurel Fork at the forks of Chenoweth Creek Road and Evans Road near the Hart Chapel Church near Elkins in Randolph County, the 'Robert "Glen" Schoonover Memorial Bridge'."

Whereas, Robert "Glen" Schoonover was born on November 30, 1927, and died on November 1, 2017. He was born and raised at the head of Chenoweth Creek Road in Elkins, Randolph County. He and his wife Arbutus Schoonover were married 70 years as of January 5, 2017. They were the parents of six children whom they

raised on Chenoweth Creek Road. Glen worked at various jobs over the years, but spent the longest time and retired from the West Virginia Division of Highways bridge crew as a Foreman. His time with the bridge department included the district covering two different territories. He worked in many of the counties surrounding Randolph County in areas such as Burlington, Webster Springs, and Marlinton. He was employed during the Great Flood of 1985 that damaged or destroyed many of the bridges in his district, requiring him to put in long days and six and seven day work weeks to declare bridges safe or to get bridges back to a safe status for use. Over the years he would place a penny in the completed bridge project that showed what year the bridge was done. It became his and his crew's "trademark" of sorts. This bridge to be named is less than a mile from the Schoonover Home where his 89 year old wife still resides and which his children, grandchildren, close relatives and friends pass over frequently; and

Whereas, It is fitting that an enduring memorial be established to commemorate Robert "Glen" Schoonover and his contributions to our state and his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 42-25-21.84 (42SS028), locally known as the Hart Chapel Bridge, carrying County Route 25 over Laurel Fork at the forks of Chenoweth Creek Road and Evans Road near the Hart Chapel Church near Elkins in Randolph County, the "Robert 'Glen' Schoonover 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 "Robert 'Glen' Schoonover 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 Hartman, C. Thompson, Pethtel, Sponaule and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 36** - "Requesting the Division of Highways name bridge number 42-42-5.95 (42A-097) crossing the Middle Fork River at Helvetia, Adolph Road, at Adolph, Randolph County, be named the 'SPEC 5 Garry Monzel "Michael" Shannon Memorial Bridge'."

Whereas, Garry Monzel "Michael" Shannon was born January 13, 1949, in Elkins, West Virginia, and was reared and educated in Randolph County, the son of Felix and Helen Gooden Shannon. Garry's brother is Felix M. Shannon II, of Elkins West Virginia., and his sister is Lenora Music, of Chicago, Illinois; and

Whereas, Garry Monzel "Michael" Shannon graduated from Elkins High School on June 5, 1967, and was sworn into the United States Army; and

Whereas, In 1969, SPEC 5 Shannon arrived in Vietnam where he served as a helicopter door gunner in Company C, 227<sup>th</sup> Assault Helicopter Battalion, 11<sup>th</sup> Aviation Group, 1<sup>st</sup> Cavalry Division; and

Whereas, SPEC 5 Shannon was killed on June 30, 1970 while serving as a crew member aboard a helicopter which was struck by enemy ground fire and crashed while inserting Army troops into a landing zone in Phuoc Long Providence, South Vietnam; and

Whereas, SPEC 5 Shannon was awarded the Distinguished Flying Cross, the Bronze Star with "V" for Valor, the Air Medal with 23 Oak Leaf Clusters, the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal, and the Army Aircrew Badge; and

Whereas, Specialist 5 Shannon was one of over 17 Randolph County residents and one of several hundred West Virginians who made the ultimate sacrifice for his country and his county during the Vietnam War in the cause of freedom; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 42-42-5.95 (42A-097) crossing the Middle Fork River at Helvetia, Adolph Road, at Adolph, Randolph County, be named the “Spec 5 Garry Monzel ‘Michael’ Shannon 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 “Spec 5 Garry Monzel ‘Michael’ Shannon 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 Hartman, N. Brown, Sponaugle, C. Thompson, Boggs and Doyle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 37** - “Requesting the Division of Highways name bridge number 42-21-13.39, locally known as the Spillway Bridge, near Elkins in Randolph County, crossing the Tygart Valley River on Georgetown Road, the ‘SSGT Thomas Gavin Hess Memorial Bridge’.”

Whereas, Thomas Gavin Hess was born on September 1, 1943, in Elkins, West Virginia and reared and educated in Randolph County, the son of Charlie May Hess and Goldie Pauline Hess; and

Whereas, In 1970, SSGT Hess arrived in Vietnam where he served as an infantry Platoon Sergeant in B Company, 1<sup>st</sup> Battalion, 501<sup>st</sup> Infantry, 101<sup>st</sup> Airborne Division; and

Whereas, SSGT Hess was killed on May 3, 1970, as a result of multiple fragmentation wounds after his platoon was attacked by a large North Vietnamese Army force while on combat patrol in Quang Nam Providence, South Vietnam; and

Whereas, SSGT Hess was awarded the Bronze Star with “V” for Valor, the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal with one bronze star, the National Defense Medal the Combat Infantry Badge, the Parachutist Badge, the Distinguished Unit Citation, the Vietnam Gallantry Cross Unit Citation, and the Good Conduct Medal; and

Whereas, SSGT Hess’s name is listed on the Vietnam Memorial Wall in Washington, D.C., Panel 11W, Row 91; and

Whereas, SSGT Hess was one of several hundred West Virginia residents and one of over seventeen Randolph County residents to make the ultimate sacrifice for their country during the Vietnam War. He is buried in the American Legion Little Arlington Cemetery, Randolph County, West Virginia; and

Whereas, SSGT Hess, on the date of his death, left behind his father Charlie Hess, mother Goldie Hess, brothers Clarence and Roger Hess, and sister Katheryn Hess; and

Whereas, It is fitting that we honor the ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, by ensuring that future generations are aware of his sacrifice in the cause of freedom; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 42-21-13.39, locally known as the Spillway Bridge, near Elkins in Randolph County, crossing the Tygart Valley River on Georgetown Road, the “SSGT Thomas Gavin Hess 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 “SSGT Thomas Gavin Hess 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, Westfall, Summers, Cadle and Anderson:**

**H. B. 2663** - "A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code which may be adopted by any county or municipality"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Butler, Malcolm, Hanna, Sypolt, Jennings, McGeehan, Phillips, Bibby, Wilson, J. Jeffries and Waxman:**

**H. B. 2664** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, and §15-15-8, all relating to enacting the Refugee Absorptive Capacity Act; providing a short title; defining terms; setting forth the duties of the state office within the Department of Health and Human Resources that deals with refugees; permitting moratorium applications and cessations; requiring a fiscal impact assessment; requiring reports; requiring the Department of Health and Human Resources to administer the West Virginia Refugee Resettlement Program Plan; and providing a severability provision"; to the Committee on Veterans' Affairs and Homeland Security then Health and Human Resources.

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

**H. B. 2665** - "A Bill supplementing and amending by adding a new appropriation of public moneys out of the Treasury in the State

Fund, General Revenue, to the Department of Revenue, State Budget Office, Fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

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

**H. B. 2666** - “A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Veterans’ Assistance, Department of Veterans’ Assistance, fund 0456, fiscal year 2019, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

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

**H. B. 2667** - “A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Corrections, Correctional Units, Fund 0450, fiscal year 2019, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

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

**H. B. 2668** - “A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, Fund 0226, fiscal year 2019, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegate Cowles:**

**H. B. 2669** - “A Bill to amend the Code of West Virginia, 1931, as amended, be adding thereto a new article, designated §49-10-1, §49-10-2, §49-10-3, §49-10-4, §49-10-5, §49-10-6, §49-10-7, and

§49-10-8, all relating to creating the position of child advocate to protect children; legislative findings; definitions; powers and duties of a child advocate; discrimination and retaliation for reporting; and Child Advocacy Committee”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates Higginbotham, Waxman, Kessinger and Westfall:**

**H. B. 2670** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses and providing that an increased risk of disease is not a compensable basis for damages in any civil action”; to the Committee on the Judiciary.

**By Delegates Kessinger, Waxman, Higginbotham and Westfall:**

**H. B. 2671** - “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 for certain disclosures and warnings in lawsuit advertising for the protection of patients; and imposing criminal penalties”; to the Committee on the Judiciary.

**By Delegates Azinger, Hollen, McGeehan, Cooper, Bibby, J. Kelly, Butler, Rodighiero, Steele, Cadle and Anderson:**

**H. B. 2672** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2673** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code

by adding thereto a new section, designated §22-6-29a, all relating to creating the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells in West Virginia; requiring fees to be deposited in the fund; providing specific purposes for use of the fund; providing fees imposed for the fund may not be collected in certain instances; providing for the termination of the fund and fees therefor; modifying imposition of the tax on the privilege of severing natural gas or oil by marginal oil and gas wells; providing exemptions from the tax; providing exclusions from filing oil and gas severance tax returns; deleting a subsection of the code which expired by its own terms, and providing a short title”; to the Committee on Energy then Finance.

**By Delegates Atkinson, Westfall, Hollen, D. Jeffries, Azinger, Harshbarger, Canestraro, J. Kelly, Queen, Criss and Kessinger:**

**H. B. 2674** - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to student loan repayment”; to the Committee on Health and Human Resources then Finance.

**By Delegates Foster, Steele, Higginbotham, Wilson, Jennings, Azinger, D. Kelly, Mandt, Linville, Waxman and P. Martin:**

**H. B. 2675** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, relating to the recovery of damages for exceeding the scope of authorized access to an employer’s property”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Summers, J. Jeffries, Paynter and Cadle:**

**H. B. 2676** - “A Bill to amend and reenact §24A-2-3 of the Code of West Virginia, 1931, as amended, relating to permitting common carriers to operate in any county of this state”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegate Westfall:**

**H. B. 2677** - “A Bill to repeal §33-25G-1, §33-25G-2, §33-25G-3, §33-25G-4, and §33-25G-5 of the Code of West Virginia,

1931, as amended, all relating to Provider Sponsored Networks”; to the Committee on the Judiciary.

**By Delegates Bibby, Hardy, Cadle, Foster, McGeehan, Howell, J. Jeffries, Wilson, Worrell, Harshbarger and Hanna:**

**H. B. 2678** - “A Bill to amend and reenact §17A-3-3a of the Code of West Virginia, 1931, as amended, relating to eliminating the personal property tax on new vehicles purchased by and registered to a resident of this state”; to the Committee on Finance.

**By Delegates Phillips, Foster, McGeehan, Hansen and Shott:**

**H. B. 2679** - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon certification that taking a photograph would violate religion tenet or religious belief”; to the Committee on Government Organization.

**By Delegates Westfall, Waxman, Kessinger and Higginbotham:**

**H. B. 2680** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-60-1, §46A-60-2, §46A-60-3, §46A-60-4, §46A-60-5, §46A-60-6, §46A-60-7, §46A-60-8, and §46A-60-9, all relating to third-party litigation financing; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring that the litigation financiers amend their registration if their information changes or becomes inaccurate; providing that the Secretary of State may promulgate rules; providing that the terms of the litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation



financier shall not pay or offer to pay commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; providing an exception; providing that a litigation financier shall supply copies of the contract to the consumer or consumer's attorney; providing that a litigation financier shall not attempt to waive any of consumer's remedies; providing that a litigation financier shall not attempt to effect arbitration or otherwise effect waiver of a consumer's right to a jury trial; providing that a litigation financier shall not offer legal advice; providing that a litigation financier shall not assign the litigation financing contract; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; providing that a violation shall render the contract unenforceable; providing that a court may award costs and attorneys' fees against defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing maximum frequency annual fee charges; providing that fees may compound semiannually but not based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing maximum terms for fees; and restricting incorporation of prior obligations"; to the Committee on Government Organization then the Judiciary.

**By Delegates Cowles, Steele, Canestraro, Miller, Lovejoy and Kessinger:**

**H. B. 2681** - "A Bill to amend and reenact §49-4-501 of the Code of West Virginia, 1931, as amended, relating to duties of prosecuting attorneys in matters of abuse or neglect of children and to resolution of conflicts between a prosecuting attorney and the

Department of Health and Human Resources”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Cowles, Pack, Rowan, Storch and Kessinger:**

**H. B. 2682** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-106a, relating to establishing a bill of rights for foster parents”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates Cowles, Pack, Rowan, Storch and Kessinger:**

**H. B. 2683** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-127, relating to establishing a bill of rights of children in foster care”; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates McGeehan and Phillips:**

**H. B. 2684** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-5-16; to amend said code by adding thereto a new section, designated §11-15-9q; to amend said code by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new section, designated §11-24-44, all relating to exempting ‘specie’ from personal property assessments, consumer sales tax, personal income tax and corporate net income tax; and defining the term ‘specie’”; to the Committee on Finance.

**By Delegates Butler, Malcolm, Kessinger, Hanna, Sypolt, Jennings, McGeehan, Phillips, Bibby, Wilson and J. Jeffries:**

**H. B. 2685** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, and §15-15-5, all relating to enacting the Refugee Information Act; including short title and definitions; requiring the state office within the Department of Health and Human Resources which deals with refugees to prepare and distribute fiscal impact assessment reports; and including administrative and severability provisions”; to the Committee on

Veterans' Affairs and Homeland Security then Government Organization.

### Special Calendar

#### Third Reading

**Com. Sub. for H. B. 2005**, Broadband Expansion Act of 2019; on third reading, coming up in regular order, with amendments pending, was, in the absence of objection, placed at the foot of bills on third reading.

**H. B. 2009**, Creating a new category of Innovation in Education grant program; 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. 23**), 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: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2009) 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. 2435**, Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations; 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. 24**), and there were—yeas 45, nays 50, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Azinger, Bibby, Butler, Cadle, Capito, Criss, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Malcolm, Mandt, Maynard, Nelson, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Toney, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2435) rejected.

**Com. Sub. for H. B. 2446**, Blue Alert Plan; 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. 25**), 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: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2446) 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. 2509**, Clarifying that theft of a controlled substance is a felony; 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. 26**), and there were—yeas 57, nays 38, absent

and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, McGeehan, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponagle, Staggers, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2509) 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. 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. 27**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Fluharty, McGeehan and Rowe.

Absent and Not Voting: Cooper, Ellington, Hardy, Hollen and Rohrbach.

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. 2005**, Broadband Expansion Act of 2019; on third reading, having been placed at the foot of bills on third reading in earlier proceedings, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

#### Second Reading

**H. B. 2036**, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2209**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Veterans' Affairs and Homeland Security, was reported by the Clerk and adopted, amending the bill on page one, section eight, line one, after the words "served on", by inserting the words "reserve or".

The bill was then ordered to engrossment and third reading.

**H. B. 2547**, Relating to the election prohibition zone; 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. 2600**, Relating to publication of sample ballots; 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 S. B. 17**, Relating to probation eligibility,

**S. B. 119**, Specifying documents not subject to discovery in certain proceedings,

**S. B. 272**, Updating code relating to Commission on Special Investigations,

**Com. Sub. for H. B. 2083**, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license,

**Com. Sub. for H. B. 2191**, Relating generally to limited video lottery,

**H. B. 2514**, Permitting pawn brokers to disclose whether any specific property has been sold or pledged,

And,

**H. B. 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, Ellington, Hardy, Hollen and Rohrbach.

### **Miscellaneous Business**

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

- Delegate Shott regarding H. B. 2509
- Delegate Fluharty regarding Com. Sub. for H. B. 2435
- Delegate Steele during Remarks by Members
- Delegate Fleischauer during Remarks by Members

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

- Delegates Kessinger and C. Martin for H. B. 2500
- Delegate Rowe for H. B. 2589
- Delegates Canestraro, Fluharty, Graves, Longstreth, Lovejoy and Sypolt for H. B. 2614

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

- Delegate Summers for H. B. 2407
- Delegate Steele for H. B. 2571

At 12:30 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 28, 2019.



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Monday, January 28, 2019

**TWENTIETH 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 25, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

**Resolutions Introduced**

Delegates Fast, Kessinger, Staggers, Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaule, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution:

**H. R. 8** - “Memorializing the life of the Honorable Paul W. McKown, veteran, athlete, teacher, coach and public servant.”

Whereas, Paul W. McKown was born on June 18, 1935, in Millstone, Calhoun County, and raised in Lookout, Fayette County, West Virginia, and was one of ten children born to the late Evan McKown and Shirley Powell McKown; and

Whereas, Paul served in the US Army during the Korean War. Following his discharge, he returned to school and graduated from Glenville State College, where he was a three-sport letterman, played on one of Glenville State’s undefeated football teams and received the distinction of being named to the all-conference team as a running back; and

Whereas, In keeping with his sports interests, Paul continued to make sure the rules were followed by being a WVIAC basketball official for more than 20 years; and

Whereas, From 1959 to 1977, Paul was a teacher and coach at Fayetteville High School. During this time, he was deeply involved in community and school events and working with the youth was his passion. Paul moved into an administrative position with Fayette County Schools in 1978 when he became Director of Transportation; and

Whereas, Paul was elected to the West Virginia House of Delegates in 1976 representing Fayette County. He was a member of the Committees on Agriculture and Natural Resources, Banking and Insurance and Government Organization; and

Whereas, Paul’s legislative service instilled in him a new passion for government affairs and for the next 22 years, he was President of the West Virginia Retailers Association. In this position, he fully enjoyed his continued involvement with the Legislature through his lobbying efforts; and

Whereas, Paul is survived by the love of his life, Shirley Lambert McKown, whom he married on June 15, 1957. He is also survived by his four children, Mike, Jody, Stephanie and Julie, 12 grandchildren and 10 great-grandchildren; and

Whereas, Paul was a Methodist and a member of the West Virginia Coaches Association, WVIAC Officials Association, Fayetteville Boosters Club, Fayetteville Little League, International Association of Basketball Officials, and the American Legion; and

Whereas, Sadly the Honorable Paul W. McKown, also known as Coach and Paps, passed away on August 1, 2018; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby memorializes the life of the Honorable Paul W. McKown, veteran, athlete, teacher, coach and public servant; and, be it

*Further Resolved,* That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable Paul W. McKown; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable Paul W. McKown.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 8) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 28**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hill, Nelson, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 8) adopted.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2521**, Relating to permitting fur-bearer parts,

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

**Com. Sub. for H. B. 2521** - "A Bill to amend and reenact §20-2-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-12 of said code; and to amend and reenact §20-2-49 of said code, all relating to permitting the selling, trading, and bartering of fur-bearer parts, including carcasses for the making of lures and baits, carcass parts, including glands, skulls, claws, and bones, and fur-bearer urine; and providing that the hide and tails of legally killed squirrels may be sold, traded or bartered,"

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. 2503**, Relating to court actions,

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

**Com. Sub. for H. B. 2503** - "A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to court actions; procedures in child neglect or abuse cases; requiring a petition to include an accusatory statement; when a court may and may not appoint counsel; and requiring a court to appoint counsel to an unrepresented person if necessary to satisfy the requirements of due process,"

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:

**S. B. 177**, Fire Commission rule relating to State Building Code,

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. 2010**, Relating to foster care,

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

**Com. Sub. for H. B. 2010** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-107, §49-2-113, and §49-2-708 of said code; to amend said code by adding thereto a two new sections, designated §49-2-111a and §49-2-111b; and to amend and reenact §49-4-108, §49-4-406, §49-4-413, §49-4-604, §49-4-608, §49-4-711, §49-4-714 and §49-4-724 of said code, all relating to foster care; defining terms; transitioning the foster care population to a managed care organization; providing a sunset date; require the department to enter into certain types of contracts with child placing agencies; creating a state foster care ombudsman; providing authority to the ombudsman; requiring a study of kinship care; requiring the department to review certain legislative rules; extending the time a foster care certification is authorized; requiring home safety assessment to take place annually; prohibiting the removal of a child from a residential child care programs; providing exceptions to permit the removal of a child from a residential child care program; establishing payment rates

for services; permitting those rates be exceed when certain conditions are met; prohibiting the termination of parental rights when participating in a medically assisted treatment program; prohibiting the placement of a foster child in an out of state facility; providing exceptions to the placement of a foster child in an out of state facility; and requiring reporting,”

With the recommendation that the committee substitute do pass.

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

**By Delegates Rohrbach, Hollen, Ellington, Hanna, Hornbuckle, D. Kelly, Kessinger, Mandt, Pushkin, Robinson and Walker:**

**H. B. 2686** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15B-1, and §62-15B-2, all relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program.”

The recommendation of the Committee that the bill (H. B. 2686) be referred to the Committee on the Judiciary was omitted from the report and, subsequently, in the absence of objection, the Speaker referred the bill to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration:

**S. B. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services,

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

### **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. 253** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, and §46A-6N-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer’s affirmative consent; providing acknowledgement requirements; providing that the business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that the business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer’s affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a

jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award plaintiff costs of the action, including reasonable attorneys' fees; providing that plaintiff is not entitled to costs and attorneys' fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Staggers, Sponaugle, Angelucci, S. Brown, Diserio, Barrett, Caputo, Miley, Campbell, Fleischauer, Rodighiero, Atkinson, Bates, Boggs, N. Brown, Canestraro, Fluharty, Hartman, Lavender-Bowe, Lovejoy, Swartzmiller, C. Thompson and Wilson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 9** - "Recognizing and honoring the achievements of professional football player and coach, Lonnie Warwick."

Whereas, Lonnie Preston Warwick, born on February 26, 1942, is a native of Fayette County, West Virginia; and

Whereas, Lonnie Warwick grew up in Mount Hope, West Virginia, and attended Mount Hope High School where he was named all-state player in both football and basketball, and during which he participated in the 1959 state high school football championship game, and from which he graduated in 1960; and

Whereas, He subsequently attended the University of Tennessee and then Tennessee Technological University, where he also played football and was later named to that school's Sports Hall of Fame; and

Whereas, After he signed with the Minnesota Vikings football team in 1964, Lonnie Warwick advanced to become the starting middle linebacker for the team and was a core member of the legendary "Purple People Eaters" Vikings defense of the late 1960s and early 1970s, and he was starting linebacker for the team in Super Bowl IV; and



Whereas, Lonnie Warwick also played professional football with the Atlanta Falcons in 1973 and 1974, and with the San Antonio Wings of the World Football League in 1975, and later became a coach with the Washington Redskins for several years; and

Whereas, Lonnie Warwick played 92 games in the National Football League, of which he was the starting player for 84 games; lead the Minnesota Vikings in tackles for four years; had 12 career interceptions, and scored a defensive touchdown after a blocked punt; and

Whereas, Lonnie Warwick has been inducted into the West Virginia North-South Football Hall of Fame, and now enjoys retirement in Mount Hope, but he continues to participate in football as a coach and keen observer of young players at local school football games; and

Whereas, It is fitting that the House of Delegates recognize West Virginia native, Lonnie Warwick, for his outstanding achievements as a football player and coach and for his continued contribution to sporting life in West Virginia; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby recognizes and honors the achievements of professional football player and coach, Lonnie Warwick; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Lonnie Warwick.

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 38** - "Requesting the Joint Committee on Government and Finance to study the high unemployment rate and other socioeconomic problems confronting African Americans in this state."

Whereas, The disproportionately high number of social and economic indicators among African Americans in the areas of employment, education, criminal justice, health and family/social structure demonstrate a significant decline in the overall quality of life in the African American community in this state; and

Whereas, The unemployment rate for African American adults in West Virginia is approximately double the overall unemployment rate in this state, with unemployment figures from 1995 thru 1997 showing an average unemployment rate of 15 percent for African American adults compared to an overall average unemployment rate of 7.4 percent; and

Whereas, African American businesses comprise less than one percent of all businesses in West Virginia, demonstrating a scarcity of entrepreneurial opportunities for African Americans in this state; and

Whereas, The high unemployment rate of African Americans disproportionately affects poor, under-educated “working age” males, which adversely impacts the economic stability of African American families and contributes to the breakdown of family and social structures in the African American community; and

Whereas, A majority of African American households in this State are headed by single women who are recipients of Temporary Assistance to Needy Families (TANF), or who are minimum wage/low wage earners categorized as “working poor”; and

Whereas, There is a wide disparity in public education between African Americans and Caucasians in West Virginia, with school standardized testing indicating a significant achievement gap between African Americans and Caucasians, and with public schools having an over representation of African American children in special education programs and an under representation of African American children in gifted education programs; and

Whereas, There is a wide disparity in the criminal justice system between African Americans and Caucasians in this State, with a recent study indicating that West Virginia has one of the

highest over representations of African Americans in the juvenile justice system of any state in the nation, and with a state African American adult prison population of 33.3 percent compared to the overall African American population rate of approximately 3.2 percent of total West Virginia population; and

Whereas, There is a wide disparity in the criminal justice system between African Americans and Caucasians in this State as to the continued problem of racial profiling by law enforcement agencies which is deserving of continued vigilance and oversight by improving the methodology of compiling vehicle traffic stop data to bring about an end to this degrading practice once and for all; and

Whereas, There is a wide disparity in health care between African Americans and Caucasians in West Virginia, with fewer African Americans having access to quality health care, and with African Americans having disproportionately higher death rates from numerous diseases, as well as an overall lower life expectancy; and

Whereas, There is a great need for a comprehensive study of the problems facing the African American community in West Virginia, and a great need for genuine solutions to these problems which so tragically afflict the African American citizens of this State; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to review, examine and study the high unemployment rate and other socioeconomic problems confronting African Americans in this state, and to further develop proposals which will enhance present services to low-income families to improve the economic and employment opportunities of African Americans and to help strengthen the family and social structure of the African American community; 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 its recommendations; 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.

Delegates Caputo, Angelucci and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 39** - "Requesting the Division of Highways name bridge number 25-30-2.44 (25A076) (39.53708, -80.13866), locally known as Woods Run Bridge, carrying County Route 30 over Paw Paw Creek in Marion County, the 'U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge'."

Whereas, Thomas Howard Wills, Jr. was born on September 21, 1930, in Monongah, attended Rivesville High School, was drafted in 1951 and was stationed at Camp Roberts, California in 1952 with the Lucky 7<sup>th</sup> Armored Division, Combat Command A, Medium Tank Battalion, Co D; and

Whereas, After serving in the Army three years, Thomas returned to West Virginia and was employed in the mining industry; and

Whereas, Thomas Howard Wills, Jr. was killed in a fatal roof-fall accident at 6:30 p.m., Tuesday, April 3, 1962, at the Loveridge Mine in Fairview, West Virginia. He died instantly at the age of 31, leaving behind a wife and two young boys; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Thomas Howard Wills, Jr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 25-30-2.44 (25A076) (39.53708, -80.13866), locally known as Woods Run Bridge, carrying County Route 30

over Paw Paw Creek in Marion County, the “U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC Thomas Howard Wills, Jr. 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.

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

**By Delegates Harshbarger and Bibby:**

**H. J. R. 21** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article X thereof, relating to eliminating the state personal property tax over a period of five years; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

**By Delegates Doyle, R. Thompson, Hornbuckle, S. Brown, Evans, Lavender-Bowe, Campbell and Pyles:**

**H. J. R. 22** - “Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof by adding thereto a new section, designated section thirteen, relating to the arrangement of congressional, senatorial and delegate districts after census by creating a State Redistricting Commission; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Political Subdivisions then Government Organization then the Judiciary.

**Bills Introduced**

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

**By Delegates Campbell, Pack, Bates, Steele, Shott, Paynter, Lavender-Bowe, Kessinger, Maynard, Toney and Evans:**

**H. B. 2687** - “A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting law enforcement and emergency vehicles from paying turnpike tolls”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

**By Delegates Maynard, Hamrick, Paynter, J. Jeffries, Rohrbach, Dean, Miller, Lovejoy, Pack, Robinson and Byrd:**

**H. B. 2688** - “A Bill to amend and reenact §17C-14-12 of the Code of West Virginia, 1931, as amended, relating to requiring air conditioning on all school buses”; to the Committee on Education then Finance.

**By Delegate Rodighiero:**

**H. B. 2689** - “A Bill to repeal §61-3-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §61-2-31; and to amend and reenact §61-3-12 of said code, all relating to replacing the present crime of burglary with the crime of home invasion; providing criminal offenses of home invasion in the first, second, third and fourth degrees; and prescribing penalties”; to the Committee on the Judiciary.

**By Delegates Westfall, Azinger, Nelson and Williams:**

**H. B. 2690** - “A Bill to amend and reenact §33-26A-19 of the West Virginia code, 1931, as amended, relating to guaranty associations”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Storch:**

**H. B. 2691** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to providing that a license to carry a concealed deadly weapon expires on the holder’s birthday”; to the Committee on the Judiciary.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Storch:**

**H. B. 2692** - “A Bill to amend and reenact §3-5-7 and §3-5-24 of the Code of West Virginia, 1931, as amended, all relating to primary elections and procedures; and providing that the filing date for nomination certificates may be the same for independent and third party candidates as for recognized political parties”; to the Committee on Government Organization.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Storch:**

**H. B. 2693** - “A Bill to amend and reenact §61-11-22a of the Code of West Virginia, 1931, as amended, relating to traffic violations as qualifying for deferred adjudication and approved defensive driving courses as permissible terms or conditions of deferred adjudication”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Sypolt, Hott, Cadle, Hamrick, Graves, McGeehan and Pushkin:**

**H. B. 2694** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §19-12E-10 and §19-12E-11, all relating to the state’s ability to regulate hemp production by submitting a plan to the Secretary of Agriculture; providing for continued production of industrial hemp without an approved plan for state regulation; providing for negligent violations of the state plan; providing for requirements to correct negligent violations; and, providing for revocation of an industrial hemp license for repeat negligent violations of a state plan”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Hollen, Boggs, Fast, Harshbarger, Miller, Criss, D. Kelly and Pushkin:**

**H. B. 2695** - “A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to exempting from the Purchasing Division purchases made by the Director of the Division of Protective Services for equipment to maintain security at state facilities”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Howell, Bibby, Phillips, Sypolt, Cadle, Azinger, D. Jeffries, Pack, Worrell and Hott:**

**H. B. 2696** - “A Bill to amend and reenact §14-1-20 and §14-1-21 of the Code of West Virginia, 1931, as amended, all relating to creating an additional index system for state-owned lands; providing that the county courts submit a list of lands the state obtained to the Auditor; providing that the Auditor create an index system; providing that the Auditor create a standard naming system; and providing for rule-making authority relating to the index system”; to the Committee on Government Organization.

**By Delegates Howell, Foster, McGeehan, Maynard, Toney, Jennings, Sypolt, Cadle, J. Jeffries, Pack and Worrell:**

**H. B. 2697** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to permitting unlicensed persons to be hired by consumers; providing for a short title; providing for definitions; providing for disclosure information; providing for an example disclosure form; providing for working without a license; providing for defense and relief; providing for remedies; providing for applicability; providing for limitations; providing for preemption of state statutes; and providing for an effective date”; to the Committee on Industry and Labor then Government Organization.

**By Delegates Hollen, Boggs, Harshbarger, Miller, Pushkin, Criss, D. Kelly and Canestraro:**

**H. B. 2698** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-7, relating to authorizing the Division of Corrections and Rehabilitation to release to county prosecutors of this state and the United States Attorney certain information which may be required for the prosecution of a criminal action; and immunities”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Hamrick:**

**H. B. 2699** - “A Bill to amend and reenact §8-6-5 of the Code of West Virginia, 1931, as amended, relating to municipal annexation by minor boundary adjustment; and providing that 50



percent or more of the land area annexed by minor boundary adjustment shall include land that is occupied residential”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle and Dean:**

**H. B. 2700** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-28, relating to requiring the Public Employees Insurance Agency to use the West Virginia Medicaid Prescription Plan as its Pharmacy Benefits Manager provided the cost to the end consumer are lower; and requiring rulemaking”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Howell, D. Jeffries, Pack, Phillips, Worrell, Sypolt, Hott, C. Martin, Cadle, Dean and Hamrick:**

**H. B. 2701** - “A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to general restrictions for outdoor advertising; and providing that advertising signs, displays or devices may be erected by businesses, industrial parks or points of interest up to 1000 feet from the premises of the businesses, industrial parks or points of interest that may not be seen from the roadway due to terrain or other obstructions”; to the Committee on Technology and Infrastructure then Government Organization.

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

**H. B. 2702** - “A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended, relating to the wireless enhanced 911 fee; eliminating portions of the wireless enhanced 911 fee that are disbursed to state agencies; establishing the public safety wireless fee; and providing for the collection and disbursement of the public safety wireless fee”; to the Committee on Finance.

**By Delegates Pack, Steele, Cooper, Graves, Criss, Westfall, Queen, Azinger, Higginbotham, Barrett and Bates:**

**H. B. 2703** - “A Bill to amend and reenact §11-14-10 of the Code of West Virginia, 1931, as amended, relating to refunds of

excise taxes collected from dealers of petroleum products under certain circumstances; and eliminating a cap on the amount of tax that may be refunded for fuels lost through evaporation”; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 2704** - “A Bill to amend §62-12-13 of the Code of West Virginia, 1931, as amended, relating to eligibility for parole; providing that any inmate of a state correctional institution is eligible to petition for parole when good time credits and actual time served equal 30 years”; to the Committee on the Judiciary.

**By Delegates Doyle, S. Brown and Evans:**

**H. B. 2705** - “A Bill to amend and reenact §1-2-2c of the Code of West Virginia, 1931, as amended, relating to the redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts; how future house districts are to be drawn; and, that the redistricting is to begin in 2020 based on the 2010 census”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Harshbarger, Steele, Wilson, Foster, J. Jeffries, Higginbotham, Hollen, Cooper, McGeehan, Kessinger and Cadle:**

**H. B. 2706** - “A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association after 2018; and providing that retirants, who have served in that capacity after 2018 while members, shall be considered to have been absent from service as a teacher by reason of that service”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Nelson, Fluharty, Shott, Ellington, Queen, Miley, Hornbuckle, Byrd, Cooper, J. Kelly and Fleischauer:**

**H. B. 2707** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2d;

to amend and reenact §3-1-16 of said code; to amend and reenact §3-5-4 and §3-5-13 of said code; and to amend and reenact §3-6-2 of said code, all relating to requiring that in every delegate district having two or more delegates there shall be numbered divisions corresponding to the number of delegates in each delegate district; and providing for ballots”; to the Committee on the Judiciary.

**By Delegates Householder, Foster, Howell, Kessinger and Waxman:**

**H. B. 2708** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5 and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulate work stoppages, strike activity, or means by which employees organize; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship

training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct for certain professions; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's fees, injunctive relief or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act"; to the Committee on Government Organization then the Judiciary.

## Special Calendar

### Third Reading

**Com. Sub. for H. B. 2005**, Broadband Expansion Act of 2019; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

On motion of Delegate Shott, the bill was amended on page four, section five, line fifteen, by correcting the second occurring subsection (c), by renumbering that subsection as subsection (d).

And,

On page four, section five, line thirty-one, immediately following the word “unserved”, by striking out the word “and” and inserting in lieu thereof “areas of the state, as defined in article one, section two of this chapter, and any”.

On motion of Delegates Byrd and Shott, the bill was amended on page six, article four, line sixty-two, by inserting the following new section:

**“§31G-4-6. Severability.**

Pursuant to §2-2-10 of this code, if any provision of this article or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of the article, and to this end the provisions of this article are declared to be severable.”

Delegate Fleischauer moved to amend the bill on page two, by striking out Article 6L in its entirety and inserting in lieu thereof the following:

**“CHAPTER 11. TAXATION.**

**ARTICLE 13EE. WIRELESS TECHNOLOGY BUSINESS PROPERTY TAX CREDIT.**

**§11-13EE-1. Short title.**

This article shall be cited as the “Wireless Technology Business Tax Credit.”

**§11-13EE-2. Legislative findings and purpose.**

The Legislature finds that the encouragement of economic growth through the expansion of wireless technology is an essential component in economic development and enhancing the quality of cellular services to state citizens with poor or limited cellular and internet service. In order to encourage expansion of cellular services throughout underserved areas of the state, that a tax credit for construction of cellular towers is in the public interest, and

therefore a temporary tax credit to facilitate construction of these facilities is in the public interest and will encourage economic growth and improve the quality of life for our citizens.

**§11-13EE-3. Definitions.**

For the purpose of this article, ‘Tower’ means a structure which hosts an antenna or other equipment used for the purposes of transmitting cellular or wireless signals for communications purposes, including telephonically, or for computing purposes, including any antenna and all associated equipment in areas of the state with poor or limited internet and cellular services.

**§11-13EE-4. Amount of credit allowed.**

Any taxpayer who installs or causes to be installed a tower on property located in this state and the tower in areas of the state with poor or limited internet and cellular services owned by the taxpayer and constructed any time beginning July 1, 2019 and ending July 1, 2024, shall be allowed a credit in an amount equal of 80% of the construction costs of the tower, prorated over a five-year period. This credit shall reduce taxes paid by the taxpayer pursuant to §11-24-1 *et seq.*, of this code.

**§11-13EE-5. Carryover credit allowed; Tax Commissioner to promulgate rules.**

If the amount of the credit exceeds the taxpayer’s liability for the taxable year, the amount which exceeds the tax liability may be carried over and applied as a credit against the tax liability of the taxpayer pursuant to the provisions of article twenty-four of this chapter to each of the next taxable years unless sooner used. The State Tax Commissioner shall consult with the Public Service Commission to identify areas of the State to designate as having poor or limited internet services, and promulgate legislative rules pursuant to the provisions of §29A-1-1 *et seq.* of this code regarding the locations eligible for the tax credit, method of claiming of the credit, and documentation necessary to claim the credit allowed by this article.”

The question before the House being the adoption of the amendment, the same was put and did not prevail.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 29**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fleischauer and Steele.

Absent and Not Voting: 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. 2005) passed.

On motion of Delegates Byrd and Shott, the title of the bill was amended to read 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 three new sections, designated §31G-4-4, §31G-4-5, and §31G-4-6, 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; requiring certain reports be submitted to certain officials and committees; and providing for severability; 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.”

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

**H. B. 2036**, Permitting vehicles displaying disabled veterans’ special registration plates to park in places where persons with mobility impairments may park; 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. 30**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2036) 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. 2209**, Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; 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. 31**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2209) 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. 2547**, Relating to the election prohibition zone; 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. 32**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Doyle and Rowe.

Absent and Not Voting: Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2547) 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. 2600**, Relating to publication of sample ballots; 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. 33**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: 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. 2600) passed.

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

#### Second Reading

**Com. Sub. for S. B. 17**, Relating to probation eligibility; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 119**, Specifying documents not subject to discovery in certain proceedings; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 272**, Updating code relating to Commission on Special Investigations; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2083**, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license; 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. 2191**, Relating generally to limited video lottery; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2514**, Permitting pawn brokers to disclose whether any specific property has been sold or pledged; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property; 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. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy,

**Com. Sub. for H. B. 2407**, Relating to registered professional nurses,

**Com. Sub. for H. B. 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children,

**Com. Sub. for H. B. 2510**, Relating to special funds of boards of examination or registration,

**H. B. 2525**, Tobacco Cessation Therapy Access Act,

**H. B. 2530**, Creating a voluntary certification for recovery residences,

**Com. Sub. for H. B. 2531**, Permitting trained nurses to provide mental health services in a medication-assisted treatment program,

And,

**H. B. 2559**, Requiring a special report by the Division of Personnel.

#### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Skaff.

### **Miscellaneous Business**

Delegate Nelson noted to the Clerk that he was absent on today when the vote was taken on H. R. 8, and that had he been present, he would have voted “Yea” thereon.

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

- Delegates Byrd, Hornbuckle, Maynard and Robinson for H. B. 2321
- Delegate Howell for H. B. 2420
- Delegates Lovejoy, Mandt and Rohrbach for H. B. 2478
- Delegate Barrett for H. B. 2481
- Delegate Porterfield for H. B. 2398 and H. B. 2521
- Delegate Pethtel for H. B. 2532
- Delegates Angelucci and Longstreth for H. C. R. 39

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

- Delegate Summers for H. B. 2676

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

- Delegates Boggs, Fleischauer and Linville for Com. Sub. for H. B. 2005
- Delegates Lovejoy, Pushkin and Robinson during Remarks by Members

At 12:25 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 29, 2019.

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Tuesday, January 29, 2019

**TWENTY-FIRST 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 Monday, January 28, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2679**, Relating to state issued identification cards,

And,

**Com. Sub. for S. B. 255**, Relating to Emergency Medical Services Advisory Committee,

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

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. 2476**, Relating to the valuation of a motor vehicle involved in an insurance claim,

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

**Com. Sub. for H. B. 2476** - "A Bill to amend and reenact §33-6-33 of the Code of West Virginia, 1931, as amended, relating to the valuation of a motor vehicle involved in an insurance claim; requiring that an amount equal to the consumers sales tax applicable to the sale of motor vehicles be added to a cash settlement arising from a total loss of a motor vehicle,"

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. 2476) to the Committee on the Judiciary was abrogated.

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. 2620**, Modifying the contact requirements with a student's guardians upon accrual of unexcused absences,

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. 2620) 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. 2474**, Relating to a reserving methodology for health insurance and annuity contracts,

**H. B. 2478**, Modifying the Fair Trade Practices Act,

And,

**H. B. 2480**, Relating to the regulation of an internationally active insurance group,

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

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

Your Committee on Finance has had under consideration:

**H. B. 2001**, Creating a partial state income tax exemption for Social Security benefits received by certain taxpayers,

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

**Com. Sub. for H. B. 2001** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting social security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**S. B. 27**, Removing restrictions on where certain traditional lottery games may be played,

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

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

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

**H. B. 2524**, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances,

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

**Com. Sub. for H. B. 2524** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-5-35 and §30-5-36, all relating to pharmacist dispensing of drugs; permitting a pharmacist to dispense an amount equal to the prescription limit; permitting a pharmacist to provide an equal amount of drugs based upon dosage; and permitting a pharmacist to refill a prescription in an emergency,"

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

**Com. Sub. for S. B. 55** - "A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting the holder of a level three, full class E license from using a wireless communication device while operating motor vehicle and specifying exception; and making violation of level three license terms and conditions subject to criminal penalty provision"; which was referred to the Committee on Technology and Infrastructure then 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. 101** - “A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to equalizing the criminal penalties for intimidating and retaliating against public officers and employees, jurors, and witnesses; increasing penalty for intimidation of such persons to a felony; and establishing 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. 124** - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to creating a felony offense for cruelty to an animal that causes bodily injury to or death of the animal; and creating a felony offense for second and subsequent convictions of cruelty to animals”; 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. 241** - “A Bill to amend and reenact §39-1-11 of the Code of West Virginia, 1931, as amended, relating to writings to be recorded under the direction of the county clerk; permitting the clerk, with authorization from the county commission, to scan and record certain documents in electronic form rather than in well-bound books, not prepare indices in separate books, and replace existing books by scanning them in approved electronic format; requiring that existing books be retained; providing exception to retention of books; and updating

terms”; which was referred to the Committee on Political Subdivisions then Government Organization.

A message from the Senate, by

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

**S. B. 268** - “A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates”; 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

**S. B. 269** - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates”; which was referred to the Committee on Finance.

### **Bills Introduced**

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

**By Delegates Atkinson, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Kessinger, Cadle and Cooper:**

**H. B. 2709** - “A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses and contact information for license holders from public disclosure with certain exceptions”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Pushkin, Estep-Burton and Pyles:**

**H. B. 2710** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48, relating to the prohibition of manufacturing plants locating within two air miles of an existing public school without the written permission of the county school board; and requiring that permission requires majority of the school board votes”; to the Committee on Industry and Labor then Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Campbell, Estep-Burton, Hansen, Pushkin, Hornbuckle and Pyles:**

**H. B. 2711** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-12a, relating to requiring public hearing for applicant of air quality permit for a facility with investment value exceeding \$25 million or with size of 20,000 square feet or larger; where hearing is to be held”; to the Committee on Industry and Labor then Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Foster, Higginbotham, Fast, Dean, Wilson, Porterfield and Rowan:**

**H. B. 2712** - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (‘DNA’) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for

delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

**By Delegates Boggs, Campbell, Pethtel, Westfall, Dean, Pack, Graves, Paynter, Toney, Swartzmiller and C. Thompson:**

**H. B. 2713** - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-5-102 of said code, all relating to expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers three years following investigation of the complaint”; to the Committee on Education then the Judiciary.

**By Delegates Cadle, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Atkinson, Kessinger, Harshbarger and Cooper:**

**H. B. 2714** - “A Bill to amend and reenact §19-1B-4, §19-1B-6, §19-1B-7, §19-1B-10 and §19-1B-12a of the Code of West Virginia, 1931, as amended, all relating generally to sediment control during commercial timber harvesting operations; increasing the threshold amount before a logger must follow certain licensing requirements regarding sediment control; requiring the logger to notify the Director of the Division of Forestry at least three days before timbering begins; requiring certain training requirements prior to recertification of certified loggers; providing for appeals; increasing criminal penalties; and removing certain limitations on issuing citations and powers of arrest”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Harshbarger, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Kessinger, Cadle and Cooper:**

**H. B. 2715** - “A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating to Class Q

special hunting permit for disabled persons”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Harshbarger, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Atkinson, Kessinger, Cadle and Cooper:**

**H. B. 2716** - “A Bill to amend and reenact §20-7-13 of the Code of West Virginia, 1931, as amended, relating to motorboat lighting and equipment requirements”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Cooper, Worrell, Miller, Storch, D. Kelly, Maynard, Swartzmiller, Atkinson, Kessinger, Cadle and Harshbarger:**

**H. B. 2717** - “A Bill to amend and reenact §19-1A-3b of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to investigate and enforce timber theft violations on all lands”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Cooper, Worrell, Westfall, Miller, Maynard, Atkinson, Kessinger and Harshbarger:**

**H. B. 2718** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §61-3-52a; relating to requiring purchasers of roundwood to collect and maintain certain information; and establishing criminal and administrative penalties for failure to comply”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Toney, Dean, Waxman, Paynter, Jennings, R. Thompson, Phillips, Mandt, Steele, Pack and Cadle:**

**H. B. 2719** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to establishing an optional bus operator in residence program for school districts; requiring certain steps in an application; establishing no entitlement to employment upon completion of the program; establishing wages or salaries paid to persons completing the program; establishing employment requirements after completing the program; and not permitting

seniority to accrue during completion of the program”; to the Committee on Education then Finance.

**By Delegates Pethtel, Lovejoy, Shott and Boggs:**

**H. B. 2720** - “A Bill to amend and reenact §5-3-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §6-3-1a of said code; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain investigators and first responders to carry firearms; authorizing supervising entities to authorize investigators employed by the attorney general, reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and, for first responders, allowing for reimbursement for the cost of the training”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Cowles and Rowan:**

**H. B. 2721** - “A Bill to amend and reenact §18-17-1 of the Code of West Virginia, 1931, as amended, relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; updating reference to minimum salaries in effect for personnel at facilities under jurisdiction of the State Board of Education; and authorizing board to establish salary schedules or compensation in excess of the minimums for certain teachers at the West Virginia Schools for the Deaf and the Blind”; to the Committee on Education then Finance.

**By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethtel, Storch, D. Kelly, Harshbarger, Queen and P. Martin:**

**H. B. 2722** - “A Bill to amend and reenact §24-2-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and requiring the use of statutory income tax rates for ratemaking purposes for public utilities that are part of a publicly-traded, consolidated group”; to the Committee on Energy then the Judiciary.

**By Delegate Caputo:**

**H. B. 2723** - “A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to increasing driver’s license penalties for using wireless communication devices while operating a vehicle”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Atkinson and J. Kelly:**

**H. B. 2724** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13DD-1, relating to providing a temporary tax credit for small group employers to cover a tax credit of up to 50 percent of the costs of branding, marketing and advertising of agricultural or manufactured products produced or manufactured in West Virginia; establishing limits; and providing that the credit be available for five years”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Foster, Waxman, Kessinger, Higginbotham and Westfall:**

**H. B. 2725** - “A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment”; to the Committee on the Judiciary.

**By Delegates J. Kelly, J. Jeffries, Maynard, Paynter, Criss, Espinosa, C. Martin, Mandt, Cadle and Anderson:**

**H. B. 2726** - “A Bill to amend and reenact §11-13Q-3, §11-13Q-7, and §11-13Q-19 of the Code of West Virginia, 1931, as amended, all relating to entitling natural resource producers to the economic opportunity tax credit; allowing the credit to be used to offset the severance tax; establishing conditions; and modifying definitions”; to the Committee on Energy then Finance.

**By Delegates Maynard, J. Jeffries, Rohrbach, Paynter, Linville, Mandt, Harshbarger, Miller, Tomblin, Westfall and Pack:**

**H. B. 2727** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22,

relating to establishing a study conducted by the Division of Natural Resources to allow boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; requiring the Division of Natural Resources to create special permits for 100 boaters; requiring the Division of Natural Resources to study the habitats of fish and surrounding wildlife; requiring reports to the Legislature; and establishing an effective date and termination date of the study”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Howell, Phillips and Bibby:**

**H. B. 2728** - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in Municipal Home Rule Program; established penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule board; authorize certain expenditures from special revenue fund; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule board to reject any application or amendment that does not reasonably demonstrate municipality’s ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedure related to submitting amendment to approved plan’ requiring certain notice prior to proposing or amending a plan; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending certain prohibitions on the powers and duties of municipalities under home rules; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or



certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act or Labor-Management Relations Act; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations, or standards that would affect the state's required compliance or jeopardize federal funding; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws or rules governing procurement of architectural or engineering services; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to Chapter 17C of the Code of West Virginia, 1931, as amended; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation governing communication technologies or telecommunication carriers; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation that prohibits or limits rental or a property or regulates duration, frequency, or location of such rental; providing certain exceptions to that prohibitions and limitations; providing procedures for protesting enactment or amendment of an ordinance, act, resolution, rule, or regulation through petition; providing that duly protested enactments shall not become effective unless ratified through majority vote at a regular or special election; specifying voting procedure; providing that each bond must be ratified by majority vote before becoming effective; specifying voting procedure for bond ratification; modifying reporting requirements; and eliminating automatic termination of the Municipal Home Rule

Pilot Program on July 1, 2019”; to the Committee on Government Organization.

### Special Calendar

#### Third Reading

**Com. Sub. for S. B. 17**, Relating to probation eligibility; 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. 34**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast, C. Martin and P. Martin.

Absent and Not Voting: Kump and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 17) passed.

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

On this question, the yeas and nays were taken (**Roll No. 35**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Skaff.

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 S. B. 17) takes effect from its passage.

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

**S. B. 119**, Specifying documents not subject to discovery in certain proceedings; 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. 36**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Canestraro, Caputo, Fleischauer, Fluharty, Hansen, Hicks, Miley, Miller, Pyles, Rowe, Sponaugle, C. Thompson, Walker and Williams.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 119) passed.

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

**S. B. 272**, Updating code relating to Commission on Special Investigations; 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. 37**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty and McGeehan.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 272) passed.

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

**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 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."

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

On this question, the yeas and nays were taken (**Roll No. 38**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty and McGeehan.

Absent and Not Voting: Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 272) 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. 2083**, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license; 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. 39**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2083) passed.

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

**Com. Sub. for H. B. 2083** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-1c, relating to facilitating a released inmate's reintegration into society, by requiring the Division of Corrections and Rehabilitation to provide an identification card for eligible released inmates who do not have a West Virginia identification card or driver's license; permitting the Division of Motor Vehicles to make visits to Division of Corrections and Rehabilitation's facilities to assist inmates with applications to obtain a West Virginia identification card; providing that the Division of Corrections and Rehabilitation be temporary in nature; providing that the identification card issued by the Division of Corrections and Rehabilitation have the same force and effect as a standard/Not For Federal Use identification card; providing that the Division of

Motor Vehicles shall accept an unexpired Division of Corrections and Rehabilitation identification card as proof of identity and proof of residency; requiring the Division of Corrections and Rehabilitation and the Division of Motor Vehicles to work together to develop a policy to verify social security numbers of released inmates; and requiring a former inmate to pay all fees charged by the Division of Motor Vehicles related to the issuance of an identification card.”

*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. 2191**, Relating generally to limited video lottery; 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. 40**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Butler, Fast, Hollen, D. Jeffries, J. Jeffries, Linville, Porterfield and Robinson.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2191) passed.

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

On this question, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Hollen, D. Jeffries, Linville and Porterfield.

Absent and Not Voting: Kump.

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. 2191) 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.

**H. B. 2514**, Permitting pawn brokers to disclose whether any specific property has been sold or pledged; 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. 42**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Byrd, Campbell, Canestraro, Fluharty, J. Kelly, Storch and C. Thompson.

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2514) 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. 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property; 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. 43**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, S. Brown, Evans, Fast, Fluharty, Hornbuckle, McGeehan, Paynter, Pushkin, Rowe, Sponaugle, C. Thompson, Williams and Wilson.

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2602) passed.

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

#### Second Reading

**Com. Sub. for H. B. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page four, section ten, line thirty-seven, by striking out the word “and” and inserting in lieu thereof the following:

“(L) Alcohol and drug abuse counselor, pursuant to §16-5Y-2 of this code; and”.

And,

On page four, section ten, line thirty-eight, by striking out the letter “(L)” and inserting in lieu thereof the letter “(M)”.

At the request of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 2324) was postponed one day.

**Com. Sub. for H. B. 2407**, Relating to registered professional nurse; on second reading, coming up in regular order, was read a second time.



On motion of Delegates Wilson and Summers, the bill was amended on page thirteen, section twelve, by striking out lines one through eight and inserting in lieu thereof the following:

“In any case where it is lawful for a duly licensed physician or dentist practicing medicine or dentistry under the laws of this state to administer anesthetics, such anesthetics may lawfully be given and administered by any person: (a) Who has been licensed to practice registered professional nursing under this article; and (b) who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia duly accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs: *Provided*, That such anesthesia is administered by such person in the presence and under the supervision of such physician or dentist.”

On motion of Delegate Ellington, the bill was amended on page three, section three, line six, by striking out the following:

“‘Certified Nurse Anesthetist’ means a person who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia accredited by the American Association of Nurse Anesthetists” and the semi-colon.

There being no further amendments, the bill was ordered to engrossment and third reading.

**H. B. 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2510**, Relating to special funds of boards of examination or registration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2525**, Tobacco Cessation Therapy Access Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2530**, Creating a voluntary certification for recovery residences; 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. 2531**, Permitting trained nurses to provide mental health services in a medication-assisted treatment program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2559**, Requiring a special report by the Division of Personnel; 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:

**S. B. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services,

**S. B. 177**, Fire Commission rule relating to State Building Code,

**Com. Sub. for H. B. 2010**, Relating to foster care,

**Com. Sub. for H. B. 2503**, Relating to court actions,

And,

**Com. Sub. for H. B. 2521**, Relating to permitting fur-bearer parts.

#### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Kump.

#### **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 Bibby for H. B. 2074
- Delegate Pyles for H. B. 2156, H. B. 2157, H. B. 2395, H. B. 2450, H. B. 2451, H. B. 2454, H. B. 2460, H. B. 2461, H. B. 2463, H. B. 2464, H. B. 2487, H. B. 2539, H. B. 2541, H. B. 2641, H. B. 2659, H. B. 2723 and H. B. 2728
- Delegate Angelucci for H. B. 2321
- Delegates Jennings, Phillips and Sypolt for H. B. 2420
- Delegate Wilson for H. B. 2493
- Delegate Hott for H. B. 2540 and H. B. 2679
- Delegate Lovejoy for H. B. 2682 and H. B. 2683

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

- Delegates J. Jeffries, Pack and Worrell for H. B. 2697

At 11:44 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 30, 2019.



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Wednesday, January 30, 2019

**TWENTY-SECOND 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 Tuesday, January 29, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2532**, Allowing certain donations by persons renewing their driver's license or vehicle registration,

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. 2532) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2528**, Relating to employees of the Commissioner of Agriculture,

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. 2528) was referred to the Committee on Government Organization.

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2540**, Prohibiting the waste of game animals, game birds or game fish,

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. 2540) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 8**, Requesting the Division of Highways to update the previous preliminary engineering study on the extension of WV Rt 9,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 8) was referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2452**, Creating the West Virginia Cybersecurity Office,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2452) was referred to the Committee on Government Organization.

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

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

**H. B. 2321**, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

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. 2321) was referred to the Committee on the Judiciary.

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

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

**H. B. 2411**, Relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments,

And,

**H. B. 2658**, Relating to the State Fire Marshal's comprehensive report,

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. 2411 and H. B. 2658) were each referred to the Committee on Government Organization.

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

Your Committee on Industry and Labor has had under consideration:

**H. B. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation,

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. 2365) was referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:



**H. B. 2484**, Mountaineer Trail Network Recreation Authority,

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. 2484) 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. 2542**, Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2542) was referred to the Committee on Government Organization.

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

Your Committee on Energy has had under consideration:

**H. R. 6**, Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security,

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

In accordance with the former direction of the Speaker, the resolution (H. R. 6) was referred to the Committee on Rules.

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. 2673**, Creating the Oil and Gas Abandoned Well Plugging Fund,

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. 2673) was referred to the Committee on Finance.

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

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

**H. B. 2607**, Relating to the licensure of nursing homes,

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

**Com. Sub. for H. B. 2607** - "A Bill to repeal §16-5C-16 and §16-5C-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-2, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-20, §16-5C-21, and §16-5C-22 of said code, all relating to the licensure of nursing homes; repealing duplicative sections of code; defining terms; clarifying rule requirements; and clarifying enforcement action and due process procedures,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2612**, Proposing rules related to the completion or updating of source water protection plans,

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

**Com. Sub. for H. B. 2612** - “A Bill to amend and reenact §16-1-9c of the Code of West Virginia, 1931, as amended, to authorize that the Secretary of the Department of Health and Human Resources to propose rules related to source water protection plans; and staggering the timeframes of source water protection plan reporting.”

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2651**, Relating to pharmacy benefit managers,

And,

**H. B. 2674**, Creating a student loan repayment program for a mental health provider,

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. 2651 and H. B. 2674) were each referred to the Committee on Finance.

### **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. 63** - "A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within 30 days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; prohibiting further quantities from being supplied beyond 72 hours in absence of new prescription; providing that remaining portions of a partially filled prescription for controlled substances listed in Schedule II may be filled in emergency situations; and defining 'emergency situation'"; which was referred to the Committee on Prevention and Treatment of Substance Abuse then 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. 236** - "A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating generally to eligibility to register to vote; providing that a person who has been convicted of certain criminal offenses and rendered ineligible to vote may register to vote upon completion of his or her sentence, upon an order from a court vacating or overturning his or her conviction, or upon an order of pardon from the Governor; requiring the Division of Corrections and Rehabilitation to provide

a person in the custody or under the supervision of the division with written notice that he or she is no longer ineligible to register to vote and a voter registration form upon release or discharge of such person; requiring a probation officer of the Supreme Court of Appeals' Division of Probation Services to provide a person under such officer's supervision with written notice that he or she is no longer ineligible to register to vote and a voter registration form upon discharge of such person; and clarifying that renewed eligibility of previously convicted persons to register to vote does not permit such persons to register after pre-election registration deadlines"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Sponaugle, Campbell, C. Thompson, Angelucci, Caputo, Barrett, Staggers, Hartman, Hott, Rowan, Lavender-Bowe, Boggs, N. Brown, S. Brown and Diserio offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 40** - "Requesting the Division of Highways name bridge number 16-55-11.40 (16A136), locally known as U. S. 220 Connector Bridge, carrying West Virginia Route 55 over South Valley Branch Railroad and Dumpling Run in Hardy County, the 'U. S. Army CAPT William H. Denney, Jr. Memorial Bridge'."

Whereas, William H. Denney was born November 6, 1939, in Washington, D.C.; and

Whereas, William H. Denney attended public schools in Moorefield, West Virginia and received the first scholarship from the Moorefield High School Scholarship Fund to attend college; and

Whereas, William H. Denney used the scholarship he was awarded to attend West Virginia University until he cut his education short to enter active U. S. Army service during an Army Reserve call up for a crisis in Berlin; and

Whereas, William H. Denney rose through the ranks as a noncommissioned officer and a commissioned officer to become

Captain of Company D, 2d Battalion, 3d Infantry of the 199<sup>th</sup> Infantry Brigade; and

Whereas, CAPT Denney was posthumously awarded the Distinguished Service Cross on April 23, 1969, for his extraordinary heroism during military operations involving conflict with an armed hostile force; and

Whereas, CAPT Denney was killed in combat on February 2, 1969, during a military combat operation in Vietnam near Cu-Chi; and

Whereas, It is fitting that an enduring memorial be established to commemorate CAPT William H. Denney, Jr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-55-11.40 (16A136), locally known as U. S. 220 Connector Bridge, carrying West Virginia Route 55 over South Valley Branch Railroad and Dumpling Run in Hardy County, the “U. S. Army CAPT William H. Denney, Jr. Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Capt. William H. Denney, Jr. 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 Robinson, Estep-Burton, Rowe and Byrd offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 41** - “Requesting the Division of Highways name Sand Plant Road, County Road 15/9, beginning at U. S. 119 and

ending at Brounland Road, the 'U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road'."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved by the Legislature of West Virginia:*

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

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



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

Delegates Atkinson, Westfall, D. Jeffries, J. Kelly and Canestraro offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 42** - "Requesting the Division of Highways name bridge number: 44-7-3.42 (44A015), locally known as Grace Bridge, carrying County Route 7 over Spring Creek in Roane County, the 'U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge'."

Whereas, Joseph Allen Ashley was born in Akron, Ohio on September 4, 1980. He attended Manchester High School and graduated in 1999; and

Whereas, Joseph Allen Ashley enlisted in the U. S. Navy on April 26, 2001, and he achieved a milestone in his career as a Submariner. He earned the coveted Enlisted Silver "Dolphins". He spent his summers and leave time from the Navy in Roane County at a cabin his parents built in 1997; and

Whereas, Petty Officer 2d Class Joseph Allen Ashley died at age 24 in January 2005 from injuries suffered in a submarine accident in the Pacific. He was survived by his parents, Daniel and Vicki Ashley and two brothers, Daniel Ashley, Jr. and Benjamin Ashley; and

Whereas, It is fitting that an enduring memorial be established to commemorate Petty Officer 2d Class Joseph Allen Ashley and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number: 44-7-3.42 (44A015), locally known as Grace Bridge, carrying County Route 7 over Spring Creek in Roane

County, the “U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy Petty Officer 2d Class Joseph Allen Ashley 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 Byrd, Capito, Nelson and Skaff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 43** - “Requesting the Division of Highways name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the ‘U. S. Army Air Corps T SGT Ralph H. Ray Bridge’.”

Whereas, Ralph Herman Ray was born in Anthony, West Virginia on November 13, 1922, to James Alfred Ray and Georgie Mae Spence; and

Whereas, Ralph H. Ray graduated from Frankford High School early at the age of 17 in 1940; and

Whereas, Ralph H. Ray left his home in West Virginia to complete his enlisted physical for the United States Army Air Corps on January 7, 1943; and

Whereas, T SGT earned his airplane mechanic diploma at the Ford Factory in Michigan the spring of 1943; and

Whereas, T SGT Ray then completed gunnery school in Laredo, Texas; and

Whereas, T SGT Ray was assigned to a top-notch flight crew with whom he trained for three months; and

Whereas, T SGT Ray and his crew traveled to Trinidad, Brazil, Africa, Morocco, and Wales before reaching the Tibenham Base in East England; and

Whereas, Serving as flight engineer, T SGT Ray and his crew flew thirty successful missions before returning to the United States; and

Whereas, T SGT Ray spent the last ten months of his enlistment at Air Transport Corps in Miami, Florida; and

Whereas, After his release from the United States Army Air Corps, T SGT Ray worked as an airplane mechanic for Bollinger Airport in Davis Creek, West Virginia, and there he earned his civilian pilot's license; and

Whereas, T SGT Ray began working as a chemical technician for Westvaco in South Charleston, West Virginia in 1948; and

Whereas, T SGT Ray built a beautiful and loving family, marrying his wife Mary Madeline Hudson (now deceased) on April 16, 1948; and

Whereas, Together, they raised four daughters: Valerie Ann Lyons, Angela Sue Ray, Verna Ray-Breaux, and Anita Ray-Kirk; and

Whereas, T SGT Ray retired in 1984 and presently resides with his daughter Angela S. Ray; and

Whereas, It is fitting that an enduring monument be established to commemorate Technical Sergeant Ralph H. Ray and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the "U. S. Army Air Corps TSgt. Ralph H. Ray Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army Air Corps T SGT Ralph H. Ray 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.

### **Bills Introduced**

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

**By Delegates Jennings, Sypolt, J. Jeffries, Lovejoy, Worrell, Angelucci, Miller, Pack and Howell:**

**H. B. 2729** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5, §16-56-6, §16-56-7, §16-56-8, §16-56-9, §16-56-10, §16-56-11, §16-56-12, §16-56-13, §16-56-14, and §16-56-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state’s license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state’s laws; authorizing remote states to take action against individual’s privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose

adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the Commission; providing that Commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce

compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for the Commission to follow if member state has defaulted; authorizing member state be terminated from the Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of the Compact by the Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the Compact; making any state joining after implementation subject to rules as they exist when the Compact is adopted; authorizing member state withdraw from the Compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the Compact; providing for liberal construction; providing for severability of the Compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the Compact”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

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

**H. B. 2730** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing annual salaries of West Virginia State Police, to amend and reenact §18A-4-2 of said code, relating to increasing annual salaries of public school teachers, and to amend and reenact §18A-4-8a of said code, relating to increasing annual salaries of school service personnel”; to the Committee on Finance.

**By Delegates Sypolt and Jennings:**

**H. B. 2731** - “A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to exempting from the requirement of a certificate of need obstetrics maternity

and delivery services provided by an acute care hospital except for a pediatric intensive care unit and a neonatal intensive care unit”; to the Committee on Health and Human Resources.

**By Delegates McGeehan, Angelucci, S. Brown, Butler, Dean, Doyle, Estep-Burton and Anderson:**

**H. B. 2732** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-1a, relating to the West Virginia National Guard; requiring an official declaration of war or an action to call forth the state militia by the United States Congress before members of the West Virginia National Guard may be released from state control to participate in active duty combat”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

**By Delegates Pushkin, Williams, Miley, C. Thompson, Lovejoy, Storch, Westfall, Higginbotham, Sponaugle, Robinson and Stagers:**

**H. B. 2733** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining ‘sexual orientation’ and ‘gender identity’”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Kessinger, Fast and Stagers:**

**H. B. 2734** - “A Bill to amend and reenact §11-13-3f of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13F-1 of said code; to amend and reenact §11-24-11 of said code; to amend and reenact §24-2a-5 of said code; and to amend and reenact §24-3-2 of said code, all relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities”; to the Committee on Finance.

**By Delegates Bibby, Hardy, J. Jeffries, Paynter, Higginbotham, D. Jeffries, Hanna and Wilson:**

**H. B. 2735** - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring any

state road or bridge that exceeds 55 miles per hour that is under construction for longer than 72 hours proceed with work 24 hours per day until completed”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Kessinger, Pack, Nelson and Hardy:**

**H. B. 2736** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements”; to the Committee on the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2737** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-1b, relating to training of State Tax Division employees”; to the Committee on Finance.

**By Delegates Pack, Graves, Hollen, Pethtel, Evans, Anderson and Malcolm:**

**H. B. 2738** - “A Bill to amend and reenact §8-22-19 of the Code of West Virginia, 1931, as amended, relating to authorizing prepayment of certain required payments into a policemen’s pension and relief fund or a firemen’s pension and relief fund”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hollen, Graves, Anderson and Malcolm:**

**H. B. 2739** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to an employer that is delinquent in required contributions to a retirement plan after the Consolidated



Public Retirement Board has certified the delinquency; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; requiring the Consolidated Public Retirement Board to provide notice to a participating employer 30 days prior to certifying a delinquency under this section; making it a criminal offense for persons who are responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board to knowingly and willfully fail to make employee or employer contributions to a retirement plan for a period of 60 days after the payment is due; and providing criminal penalties”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Shott:**

**H. B. 2740** - “A Bill to amend and reenact §42-1-1 of the Code of West Virginia, 1931, as amended; and amending said code by adding thereto a new section, designated §42-1-11, all relating to barring a parent from inheriting from a child in certain instances”; to the Committee on the Judiciary.

**By Delegates Walker, Rowe, Canestraro, Miller, Diserio, Angelucci, Caputo, Barrett, Longstreth, Estep-Burton and Campbell:**

**H. B. 2741** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining ‘sexual orientation’ and ‘gender identity’”; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2742** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to courses of instruction in all schools located within this state; and making available elective courses on the history of the Old and New

Testaments of the Bible”; to the Committee on Education then the Judiciary.

**By Delegates Hollen, Graves, Pethtel, Evans, Anderson and Malcolm:**

**H. B. 2743** - “A Bill to amend and reenact §8-22-11a of the Code of West Virginia, 1931, as amended, relating to eliminating reference to municipal policemen’s pension and relief funds and municipal firemen’s pension and relief funds in section restricting investment of municipal pension funds as such investment is restricted elsewhere in the code”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Householder and Criss:**

**H. B. 2744** - “A Bill to amend and reenact §11-15-17 of the Code of West Virginia, 1931, as amended, relating to officer liability for unremitted consumers sales and service tax”; to the Committee on the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2745** - “A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to authorizing railroads and commercial watercraft to claim a refundable exemption from the variable rate component of the motor fuel excise tax, and to remove the aggregate annual exemption limitation imposed on railroads, all beginning July 1, 2019”; to the Committee on Finance.

**By Delegate Shott:**

**H. B. 2746** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-2-19a; and to amend and reenact section §44-3A-24 of said code, all relating to administration of estates; requiring reports by fiduciary commissioners of unprogressed estates; allowing the county commission to close an estate administratively; providing an appeal procedure; and providing that personal representatives are liable for failure to all persons with an interest in the assets of such an estate”; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2747** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c,

relating to allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent”; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2748** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System and the West Virginia State Teachers Retirement System; and providing an effective date”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Rodighiero:**

**H. B. 2749** - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to quarterly payment of real and personal property taxes; and requiring new tax tickets to be mailed after property is transferred”; to the Committee on Finance.

**By Delegate Rodighiero:**

**H. B. 2750** - “A Bill to amend and reenact §15A-3-7 of the Code of West Virginia, 1931, as amended, relating to a salary increase for Division of Corrections and Rehabilitation employees of \$5,000 paid over a three-year period”; to the Committee on the Judiciary then Finance.

**By Delegates Wilson, McGeehan, Dean and Bibby:**

**H. B. 2751** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, relating to abolishing mandatory prison sentences”; to the Committee on the Judiciary.

**By Delegates Wilson and Bibby:**

**H. B. 2752** - “A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to adding to the persons who have access to the information kept by the Board of Pharmacy”; to the Committee on Health and Human Resources.

**By Delegates Wilson and Bibby:**

**H. B. 2753** - "A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended, relating to permitting stand-in candidates for gubernatorial and presidential contests"; to the Committee on the Judiciary.

**By Delegates Wilson, J. Jeffries and Graves:**

**H. B. 2754** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-6-39, relating to defining certain key terms; prohibiting insurers from requiring dentists to provide discount on noncovered services; prohibiting dentists from charging more for covered persons on noncovered services than his or her customary or usual rate for the services; and providing that insurers may not provide for a nominal reimbursement for a service in order to claim that a service or material is covered"; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Fleischauer, Lavender-Bowe, Hansen, S. Brown, Pethel, Hartman, Pyles, Zukoff, Evans, Doyle and Byrd:**

**H. B. 2755** - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Foster, Criss, Waxman, Graves, D. Jeffries, Pack, Hill, Skaff, Barrett, Butler and Harshbarger:**

**H. B. 2756** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21, relating to requiring contractors performing work for government contracts on computers use software to verify the hours the contractor worked on the computer"; to the Committee on Industry and Labor then Government Organization.

**By Delegates D. Kelly, Storch, Harshbarger, Evans, Doyle, Capito, Miller, Mandt, Cadle, Steele and Fast:**

**H. B. 2757** - “A Bill to amend and reenact §5-1-10 of the Code of West Virginia, 1931, as amended, relating to the authorization of the Governor to seek the return of fugitives when found in another state or the District of Columbia; providing for return of persons who have been improperly released from confinement; and updating terms, titles, and cross-references”; to the Committee on the Judiciary.

**By Delegates Estep-Burton, Walker, Angelucci, Doyle, Lavender-Bowe and Zukoff:**

**H. B. 2758** - “A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to establishing minimum numbers of school counselors that shall be employed by the county board and assigned to each high, middle, and elementary school in the state”; to the Committee on Education then Finance.

**By Delegate Shott:**

**H. B. 2759** - “A Bill to amend and reenact §41-5-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-1-4 of said code; and to amend said code by adding thereto a new section, designated §44-1-14b, all relating to the administration of estates and providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration”; to the Committee on the Judiciary.

**By Delegates Howell, C. Martin, Pack, Cadle, Worrell, Hott, D. Jeffries, J. Jeffries, Bibby, Porterfield and Phillips:**

**H. B. 2760** - “A Bill to amend and reenact §4-10-7 and §4-10-9 of the Code of West Virginia, 1931, as amended, all relating to performance reviews of state agencies and regulatory boards; authorizing the Joint Committee on Government Operations and the Joint Standing Committee on Government Organizations to include analysis of the rules of agencies and regulatory boards and to make recommendations to the Legislative Rule-Making Review Committee”; to the Committee on Government Organization.

**By Delegate Westfall:**

**H. B. 2761** - “A Bill to amend and reenact §38-14-2, §38-14-3, §38-14-4, §38-14-5, §38-14-7, §38-14-8, and §38-14-9 of the

Code of West Virginia, 1931, as amended, all relating to modernizing the self-service storage lien law; modifying late fees; re-defining certain terms; providing modern methods of satisfying a self-service storage lien; and providing a new effective date”; to the Committee on the Judiciary.

**By Delegates Westfall, D. Jeffries, Hott, Azinger and Nelson:**

**H. B. 2762** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-17; and to amend and reenact §17B-4-6 of said code, all relating to authorizing daily passenger rental car companies to charge reasonable administrative fees when the fees are incidental to or arising from the rental car transaction; modernizing rental car transactions, permitting digital and electronic rentals; providing for motor vehicle rentals by private vehicle rental program providers under certain circumstances; providing that a rental car provider has met certain obligations when the renter has not executed a rental agreement or interacts with an employee of the provider; providing that all person engaging in rental car transactions including private vehicle rental program providers are subject the provisions contained in this code; and defining terms”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Hornbuckle, Fluharty and Skaff:**

**H. B. 2763** - “A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining ‘sexual orientation’ and ‘gender identity’”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Fast, Harshbarger, Miller, Hanna, Cowles, Nelson, Foster, D. Kelly, Howell and Pack:**

**H. B. 2764** - “A Bill to amend and reenact §15A-4-11 of the Code of West Virginia, 1931, as amended, relating to the financial responsibility of inmates in relation to civil awards and previously

entered court-ordered obligations”; to the Committee on the Judiciary then Finance.

**By Delegates Rodighiero, Miller, Tomblin, Hicks and Evans:**

**H. B. 2765** - “A Bill to amend and reenact §11-9-2a of the Code of West Virginia, 1931, as amended, relating to allowing firearms-qualified tax division investigators to carry firearms”; to the Committee on the Judiciary.

**By Delegates Waxman, Dean, Toney, Hanna, Evans, Atkinson, J. Kelly, Jennings, R. Thompson, Zukoff and Hornbuckle:**

**H. B. 2766** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-46a, relating to a student not advancing to the next grade by teacher recommendation; limitations”; to the Committee on Education.

**By Delegates Criss, J. Jeffries, Azinger, Steele, Mandt, Cadle and Hanna:**

**H. B. 2767** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to reducing the severance tax on thermal or steam coal to two percent, effective March 31, 2019”; to the Committee on Energy then Finance.

**By Delegate Rohrbach:**

**H. B. 2768** - “A Bill to amend and reenact §16-54-1, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, and §16-54-8, of the Code of West Virginia, 1931, as amended, all relating to reducing the use of certain prescription drugs; defining terms; clarifying types of examinations; requiring certain information in a narcotics contract; clarifying that the drug being regulated is a schedule II opioid drug; providing exceptions; and requiring coverage for certain procedures to treat chronic pain”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates Butler, Worrell, Jennings, Wilson, Bibby, J. Jeffries and Hanna:**

**H. B. 2769** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1,

§5-30-2, §5-30-3, §5-30-4, and §5-30-5; all relating to creating Citizen and State Accountability Act; defining terms; requiring departments, agencies, and officials of state or local government to apply for major and minor grant agreements; establishing the requirements for applying for the grant agreements; requiring written consent of major grant requests by the Governor; permitting the Governor to prohibit the submission of a grant application; and, permitting the Governor to delegate certain duties”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Rohrbach, Ellington, Barrett, Queen, Waxman and Byrd:**

**H. B. 2770** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-52-1, §33-52-2, §33-52-3, and §33-52-4, all relating to establishing the Fairness in Cost-Sharing Calculation Act; providing for definitions; establishing health plan cost sharing calculations; establishing pharmacy benefits cost sharing calculations; and providing for rule-making authority”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Miller, Tomblin, Rodighiero, Westfall, Maynard, Lovejoy, Canestraro and Lavender-Bowe:**

**H. B. 2771** - “A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement system act, service as sheriff”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Miller, Harshbarger, Tomblin, D. Kelly, Lovejoy, Canestraro, Maynard and Lavender-Bowe:**

**H. B. 2772** - “A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-3-14a, all relating to the Division of Corrections and Rehabilitations acquiring and disposal of services, goods and commodities; clarifying the notice requirements; allowing the division to require surety; allowing the division to utilize best value procurement; clarifying the manner under which the division is to cancel a contract; clarifying the surety requirement; providing a method to



award a contract after cancellation; allowing for sole source procurement; disqualification of vendors to whom the division may award a contract; allowing the division to run criminal background checks, financial background checks, licensing background checks, and credit checks to ensure the ability to award a contract; creating a special revenue fund; and providing for methods of disposition of surplus property owned by the division”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Cowles and J. Kelly:**

**H. B. 2773** - “A Bill to amend and reenact §7-12-12 of the Code of West Virginia, 1931, as amended, relating to granting the State Auditor the authority to audit the books and records of local economic development authorities; and permitting, in the alternative, the authority to be audited by an independent Certified Public Accountant with copies forwarded to the county commission and the Auditor”; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Cadle, Cooper, Westfall, J. Jeffries, Harshbarger, Paynter, Worrell, Bibby, Hardy, Wilson and Atkinson:**

**H. B. 2774** - “A Bill to amend and reenact §19-19-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto two new sections, designated §19-19-7 and §19-19-8, all relating to the right to farm; providing for an amended definition of agriculture; providing for protections to agriculture operations from nuisance litigation if the facility has been in operation for more than one year; and providing a severability clause”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates C. Martin, Dean, Maynard, Worrell, P. Martin, Mandt, Pack, Graves and Fast:**

**H. B. 2775** - “A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one-half credit course of study in personal finance as a requirement for high school graduation”; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2776** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing one-time supplements to all annuitants when they reach the age of 70”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Campbell, Lavender-Bowe, R. Thompson, Hornbuckle, Caputo, Rohrbach, Dean, Westfall, Pack, Paynter and Robinson:**

**H. B. 2777** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15e, relating to requiring schools to offer elective vocational courses in middle schools”; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2778** - “A Bill to amend and reenact §18-5D-2, §18-5D-3, and §18-5D-4, of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Feed to Achieve Act; and providing that school nutrition plans include take home meals for low income students or any student who requests take home meals”; to the Committee on Education then Finance.

**By Delegates Shott, Anderson, Cadle, J. Kelly, Phillips, Evans, Boggs, Pethtel, Maynard, Higginbotham and Hansen:**

**H. B. 2779** - “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 providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown are to be kept in a special fund and if unclaimed within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool

of a horizontal well are not claimed by an unknown, missing or abandoned owner within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; 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 rulemaking"; to the Committee on Energy.

**By Delegates Hollen, Graves, Pethtel, Evans, Anderson and Malcolm:**

**H. B. 2780** - "A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 of said code, all relating to permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; and permitting persons employed for instructional services by educational services cooperatives to participate in the State Teachers' Defined Contribution Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hill, S. Brown, McGeehan, Rohrbach, Summers, Steele, Pushkin and Stagers:**

**H. B. 2781** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to permitting a person to obtain a 12-month supply of contraceptive drugs"; to the Committee on Health and Human Resources.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2407**, Relating to registered professional nurses; 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. 44**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2407) 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. 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children; 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. 45**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2492) 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. 2510**, Relating to special funds of boards of examination or registration; 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. 46**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Byrd, Estep-Burton, Fleischauer, Hansen, Hicks, Pushkin, Robinson, Rowe and C. Thompson.

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2510) 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. 2525**, Tobacco Cessation Therapy Access 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. 47**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2525) 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. 2530**, Creating a voluntary certification for recovery residences; 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. 48**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2530) 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. 2531**, Permitting trained nurses to provide mental health services in a medication-assisted treatment program; 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. 49**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Jennings.

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2531) 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. 2559**, Requiring a special report by the Division of 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. 50**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2559) 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. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page four, section fourteen, line ninety-two, following the words “county exist” and the semicolon, by striking out the word “or”.

And,

On page four, section fourteen, line ninety-four, following the words “Recreational Authority”, by striking out the period and inserting a semicolon and the word “or”, followed by a new subdivision (11) to read as follows:

“(11) Support and operation of economic development activities, including site development, facilities and infrastructure.”

The bill was then ordered to third reading.

**S. B. 177**, Fire Commission rule relating to State Building Code; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2010**, Relating to foster care; on second reading, coming up in regular order, was read a second time.

Delegates Summers and Kessinger moved to amend the bill on page seventeen, section one hundred thirteen, line seventy-four, following the “(j)” designation, by inserting the following:

“A residential child care center which has entered into a contract with the department to provide services to a certain number of foster children, shall accept any foster child who meets the residential child care center’s program criteria, if the residential

child care center has not met its maximum capacity as provided for in the contract.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 51**), and there were—yeas 54, nays 45, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Kump.

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

On motion of Delegate Zukoff, the bill was amended on page two, section twenty-seven, line twenty-seven, by deleting the period and inserting a comma and the words “and the managed care organization that is awarded the contract shall create a voluntary advisory group of foster parents, which shall meet every six months, to discuss issues they are encountering with the managed care organization.”

Delegates Doyle and Longstreth moved to amend the bill on page one, line one, by striking out §9-5-27 in its entirety, and inserting in lieu thereof the following:

**“§9-5-27. Prohibiting Department of Health and Human Services Managed Care Contracts.**

The Department of Health and Human Services may not enter into any managed care contract for any Medicaid child foster care



managed care services, including but not limited to acute care, including medical, pharmacy, dental or behavioral health services. All moneys budgeted or otherwise reserved for costs associated with entering into a contract for this purpose shall be allocated to personnel services for the Department of Health and Humans Services to be utilized to increase salaries and hire additional Child Protective Services and Adult Protective Services employees with a goal of hiring an additional twenty percent of service providers for those agencies.”

The question being on the adoption of the amendment, the same was put and did not prevail.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; on second reading, coming up in regular order, was read a second time.

An amendment to the bill, offered by Delegate Pushkin on yesterday, was reported by the Clerk.

Whereupon,

Delegate Pushkin asked and obtained unanimous consent to reform the amendment.

Delegate Pushkin then moved to amend the bill on page four, section ten, line thirty-seven, by striking out the word “and” and inserting in lieu thereof the following:

“(L) Peer recovery.”

And,

On page four, section ten, line thirty-eight, by striking out the letter “(L)” and inserting in lieu thereof the letter “(M)”.

On this question, the House divided and the Speaker declared the amendment rejected.

Delegate Howell moved to amend the bill on page four, section ten, line thirty-eight, by striking out paragraph “(L)” in its entirety and inserting in lieu thereof a new paragraph “(L)” to read as follows:

“(L) Corrections medical providers, pursuant to §15A-1-1 *et seq.* of this code.”

On this question, the House divided and the Speaker declared the amendment adopted.

There being no further amendments, the bill was ordered to engrossment and third reading.

**Com. Sub. for H. B. 2503**, Relating to court actions; 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. 2521**, Relating to permitting fur-bearer parts; 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:

**S. B. 27**, Removing restrictions on where certain traditional lottery games may be played,

**Com. Sub. for S. B. 255**, Relating to Emergency Medical Services Advisory Committee,

**Com. Sub. for H. B. 2001**, Creating a partial state income tax exemption for Social Security benefits received by certain taxpayers,

**H. B. 2474**, Relating to a reserving methodology for health insurance and annuity contracts,

**Com. Sub. for H. B. 2476**, Relating to the valuation of a motor vehicle involved in an insurance claim,

**H. B. 2478**, Modifying the Fair Trade Practices Act,

**H. B. 2480**, Relating to the regulation of an internationally active insurance group,

**Com. Sub. for H. B. 2524**, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances,

And,

**H. B. 2679**, Relating to state issued identification cards.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Kump.

### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegate Robinson during the debate regarding the amendment offered by Delegates Summers and Kessinger to Com. Sub. for H. B. 2010 in the Appendix to the Journal.

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

- Delegates Lovejoy and Rohrbach for H. B. 2100
- Delegate Phillips for H. B. 2204
- Delegate Wilson for H. B. 2456 and H. B. 2495
- Delegate Harshbarger for H. B. 2673
- Delegate P. Martin for H. R. 6

Pursuant to House Rule 94b, Delegate Toney filed a form with the Clerk's Office to be removed as a cosponsor of H. B. 2697.

At 12:42 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 31, 2019.



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Thursday, January 31, 2019

**TWENTY-THIRD DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, January 30, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2420**, Establishing the Mountaineer Trail Network Recreation Authority,

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

**Com. Sub. for H. B. 2420** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment;

describing the powers and duties of the board for the authority; creating a special revenue fund; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2666**, Supplemental appropriation to the Department of Veterans’ Assistance,

**H. B. 2668**, Supplemental appropriation to the Department of Administration, Public Defender Services,

**S. B. 268**, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act,

And,

**S. B. 269**, Updating terms used in WV Personal Income Tax Act,

And reports the same back with the recommendation that they 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. 2004**, Providing for a program of instruction in workforce preparedness,

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

**Com. Sub. for H. B. 2004** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-7d and §18-2-40; to amend and reenact §18B-3C-4 of said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; to amend and reenact §29-3-9 of said code; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to providing for a program of instruction in workforce preparedness; providing career and technical education program information to students and parents; requiring transcript of post-secondary credits earned by public school students to be provided to them; elevating priority on program integration to meet region and state labor market needs by community and technical college/career and technical education consortia; providing for joint State Board and Council for Community and Technical College Education guidelines on program administration; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor, State Fire Commission, State Fire Marshal and the professions and occupations licensing boards and commissions.”

With the recommendation that the committee substitute 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. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program,

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

**Com. Sub. for H. B. 2363** - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length of the program; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Industry and Labor has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2646) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2594**, Prohibiting railroads from blocking crossings on privately owned streets,



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. 2594) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2338**, Allowing the owner of an antique military vehicle to display alternate registration insignia,

And,

**H. B. 2359**, Relating to exemptions to the commercial driver's license requirements,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2338 and H. B. 2359) were each referred to the Committee on Government Organization.

### **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. 72** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creating the Sexual Assault Victims' Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding medical forensic examinations, sexual assault evidence collection kits, and other similar topics; clarifying the right of a victim to be accompanied by a personal

representative during certain proceedings; requiring sexual assault victims be informed or notified of certain rights; incorporating other rights contained in code; and defining terms”; 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. 102** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to granting courthouse security officers arrest powers under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act”; 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

**S. B. 149** - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 243** - “A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since, on, or before January 1, 1999, in order for counties to receive two percent of the net terminal income where the video lottery terminals are located”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 258** - “A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate ‘veil piercing’ claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC*. 232 W. Va. 268, 752 S.E.2d 299 (2013)”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Miller, Tomblin, Rodighiero, Westfall and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 44** - “Requesting the Division of Highways name bridge number 03-85/24-0.01 (03A167), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone County, the ‘U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge’.”

Whereas, Randall Carl Phelps was born June 4, 1948, in Dorothy, West Virginia to Carl William and Bernice Dale Lee Phelps; he grew up in Boone County where he loved baseball and

played in the Pony League each summer and graduated from Van High School in 1967; he was a voracious reader who teased and tormented his brother Steve and sisters, Joy, Jane and Diane without mercy; and

Whereas, Randall Carl Phelps enlisted in the United States Marine Corps and prior to his departure to Vietnam he became engaged to the love of his life, Grace Workman; becoming a Marine was a choice for PFC Phelps, who believed in honor, duty and country and his letters home documented his belief that the people he was defending were deserving of his sacrifice; and

Whereas, PFC Randall Carl Phelps was a member of A Company, 3<sup>rd</sup> Engineering Battalion, 3<sup>rd</sup> Marine Division, serving as a Combat Engineer; he was killed in action in Quang Tri Province, The Republic of South Vietnam, on April 8<sup>th</sup>, 1968, assisting wounded soldiers onto a Medevac chopper during a North Vietnam mortar barrage; and

Whereas, PFC Randall Carl Phelps was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Phelps and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge on County Route 85, in Boone County, the “U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge” is an appropriate recognition of his contributions to his country, state, community and Boone County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 03-85/24-0.01 (03A167), locally known as Clinton Camp Road Bridge, carrying CR 85/24 over Pond Fork in Boone

County, the “U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps PFC Randall Carl Phelps 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 Miller, Tomblin, Rodighiero, Westfall and Maynard offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 45** - “Requesting the Division of Highways name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the ‘U.S. Navy MM2 Carl E. Keeney, U.S. Navy SN1 Frank Keeney and U.S. Army PFC Carl M. Nicholas Memorial Bridge’.”

Whereas, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia; he learned to repair engines and vehicles at an early age and became skilled as a machinist and when this country sought skilled tradesmen in its armed forces, he enlisted in the United States Navy in 1942, eventually attaining the rating of Machinist’s Mate Second Class; and

Whereas, MM2 Keeney served over three years in the Pacific Theater and saw combat in the Solomon Islands and at Okinawa; he was awarded three battle stars before he was honorably discharged in 1946; and

Whereas, After faithfully and honorably serving his country, MM2 Keeney applied his machinist’s skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

Whereas, After a life well lived in service to his community and his country, MM2 Keeney passed away on June 26, 2018; and

Whereas, Frank Keeney was born to Dewey and Ruth Skeens Keeney on June 10, 1927, in Seth, West Virginia; he left high school early as he entered the United States armed forces at the age of 16, by enlisting in the United States Navy in 1944, eventually attaining the rating of Seaman First Class; and

Whereas, SN1 Keeney, a World War II veteran, served over seven years in the Pacific Theater and earned combat ribbons from action in Iwo Jima, Okinawa and the Dutch East Indies before he was honorably discharged in 1951; and

Whereas, After faithfully and honorably serving his country, SN1 Keeney began an athletic career in the minor league baseball farm system of the Cleveland Indians where he earned the nickname “Fireball”, until his retirement and continued with the organization as batting practice pitcher and part time scout from 1951 until 1970 well after the age of 60; and

Whereas, After a life well lived in service to his community and his country, SN1 Keeney passed away on March 1, 2018; and

Whereas, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia, and though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of Southern West Virginia; and

Whereas, PFC Nicholas answered his nation’s call to service, joining the United States Army in World War II in the European Theater of Operations, where he was assigned to Company I, 12<sup>th</sup> Infantry Regiment, 4<sup>th</sup> Infantry Division from May 16, 1944, to September, 1945, where he participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge; and

Whereas, PFC Carl M. Nicholas was wounded in action on June 26, 1944, when he received and survived bullet wounds from a German sniper and for which he was awarded the Purple Heart;

he also was awarded the Bronze Star for meritorious achievement in active ground combat; and

Whereas, Upon his return to civilian life, PFC Nicholas continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company; he continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol; and

Whereas, After a life well lived in service to his community and his country, PFC Nicholas passed away on September 3, 2014; and

Whereas, Recognizing that MM2 Carl Eugene Keeney, SN1 Frank Keeney and PFC Carl M. Nicholas are lifelong residents of Boone County on Big Coal River, it is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 03-3/14-0.10 (03A196), locally known as New Kirbyton Bridge, carrying CR 3/14 over Big Coal River in Boone County, the “U.S. Navy MM2 Carl E. Keeney, U.S. Navy SN1 Frank Keeney and U.S. Army PFC Carl M. Nicholas 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. Navy MM2 Carl E. Keeney, U.S. Navy SN1 Frank Keeney and U.S. Army PFC Carl M. Nicholas 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.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

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

**H. J. R. 23** - “Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, relating to ad valorem property taxation; defining terms; exempting new tangible industrial machinery and equipment personal property from ad valorem property taxation; providing phased-in reduction of taxation of certain tangible industrial machinery, equipment, and inventory personal property until fully exempted; providing phased-in increases of appropriations and permanent appropriation of replacement revenues for proportional distribution to levying bodies; providing for general law; preserving tax exemptions, credits, deductions, discounts and other tax relief benefits; establishing primacy of section; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

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

**H. B. 2782** - “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, 2019, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2019, organization 0506, to the Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2019, organization 0511, and to the Department of Health and Human Resources, Division of Human Services – Child Care and Development, fund 8817, fiscal year 2019, organization 0511, by supplementing and



amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 2783** - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Military Affairs and Public Safety, Division of Justice and Community Services – Second Chance Driver’s License Program Account, Fund 6810, fiscal year 2019, organization 0620, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegate Canestraro:**

**H. B. 2784** - “A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver’s licenses for active military members’ spouses; permitting the spouse to renew his or her license from wherever he or she is located and need not be in person; and authorizing rule making”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Storch, Westfall, Miller, Azinger, Queen, Harshbarger, Butler, D. Kelly, Mandt, Hamrick and Dean:**

**H. B. 2785** - “A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to reopening period to allow purchase of State Teachers Retirement System service credit by transfer from State Teachers Defined Contribution System”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Kessinger:**

**H. B. 2786** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the Uniform Worker Classification Act; clarifying definition of independent contractor”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Byrd, Maynard, Harshbarger, Queen, Worrell, Rohrbach, J. Jeffries, Lovejoy, Fluharty, Pushkin and Robinson:**

**H. B. 2787** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding two new sections, designated §18-5-22e and §18-28-8; all relating to requiring schools to have persons with first aid and cardiopulmonary resuscitation training on-site”; to the Committee on Education then Health and Human Resources.

**By Delegate Kessinger:**

**H. B. 2788** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-30-26, relating to life-sustaining treatment policies of health care facilities”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hamrick, Dean, Howell, Pack, Westfall, Waxman, Queen, Miley, Higginbotham and Rodighiero:**

**H. B. 2789** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits as police officers or firefighters under the West Virginia Public Employees Retirement System; and providing an effective date”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Harshbarger, Cadle, Worrell, Westfall, Toney, D. Kelly, P. Martin, J. Kelly and Cooper:**

**H. B. 2790** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2019; prohibiting the relocation, removal, alteration, renaming, rededication, or other disturbance of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas; and authorizing the West

Virginia State Historic Preservation Office to grant waivers under certain circumstances”; to the Committee on the Judiciary.

**By Delegates Harshbarger, Cadle, Worrell, Westfall, Toney, Storch, Cooper, D. Kelly, Byrd and J. Kelly:**

**H. B. 2791** - “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that said developmentally disabled person possessing the base hunting license may hunt when accompanied and directly supervised by a person 18 years of age or older; and further providing criminal penalties for violation of this subsection”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Kessinger, Harshbarger, Paynter, Queen, Hanna, Bibby, Foster and Williams:**

**H. B. 2792** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-19d, relating to animal abuse generally; prohibiting activities connected with sexual abuse of an animal; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric evaluation and payment of costs in certain circumstances”; to the Committee on the Judiciary.

**By Delegates Maynard, Dean, Hornbuckle and Doyle:**

**H. B. 2793** - “A Bill to amend and reenact §18-30-2, §18-30-3, §18-30-4, and §18-30-7 of the Code of West Virginia, 1931, as amended, all relating to expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program”; to the Committee on Finance.

**By Delegates Lovejoy, Rohrbach, Miller, Hornbuckle, Canestraro, Williams, Robinson, Rowan, S. Brown and Byrd:**

**H. B. 2794** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-

6, relating to establishing the Summer Feeding for All initiative; providing findings; directing a county-by-county assessment of nonschool day student food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board reporting requirements to the office of Child Nutrition; and directing the office of Child Nutrition to collect and distribute information regarding available food resources”; to the Committee on Education then Finance.

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

**H. B. 2795** - “A Bill supplementing and amending by decreasing an existing appropriation and adding a new appropriation of federal funds out of the Treasury to the Department of Revenue – Insurance Commissioner, Fund 8883, fiscal year 2019, organization 0704, by supplementing, amending, decreasing, and adding the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegates Cadle, Harshbarger, Cooper, Wilson, J. Jeffries, Atkinson, Toney, Paynter, Hott, Phillips and Worrell:**

**H. B. 2796** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-10, relating to analysis of samples of industrial hemp production; authorizing the Commissioner of Agriculture to contract with private laboratories for analysis of samples; and requiring the establishment of criteria for laboratory selection and for handling of samples”; to the Committee on Agriculture and Natural Resources then the Judiciary.

## **Special Calendar**

### **Third Reading**

**S. B. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services; on third reading, coming up in regular order, was read a third time.

Delegate Cowles requested to be excused from voting on S. B. 28 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. 52**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hartman and C. Thompson.

Absent and Not Voting: Kump and McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 28) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**S. B. 28** - “A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating generally to the purposes for which expenditures may be made by county commissions and municipalities from a certain portion of the net proceeds of hotel occupancy taxes; removing the limitation on the amount that may be expended for medical care and emergency services; and allowing a new purpose for those expenditures for the support and operation of economic development activities, including site development, facilities and infrastructure.”

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

**S. B. 177**, Fire Commission rule relating to State Building Code; 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. 53**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 177) passed.

Delegate Summers moved that the bill take effect from passage.

On this question, the yeas and nays were taken (**Roll No. 54**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 177) takes effect from passage.

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

**Com. Sub. for H. B. 2010**, Relating to foster care; on third reading, coming up in regular order, was read a third time.

Delegate McGeehan requested to be excused from voting on Com. Sub. for H. B. 2010 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. 55**), and there were—yeas 67, nays 32, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Boggs, N. Brown, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Longstreth, Lovejoy, McGeehan, Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2010) 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. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; 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. 56**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2324) 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. 2503**, Relating to court actions; 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. 57**), and there were—yeas 81, nays 18, absent

and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, N. Brown, S. Brown, Byrd, Canestraro, Cowles, Estep-Burton, Fleischauer, Fluharty, Hornbuckle, Lovejoy, Miley, Pushkin, Robinson, Rowe, Sponaugle, C. Thompson and Walker.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2503) 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. 2521**, Relating to permitting fur-bearer parts; 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. 58**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Byrd, Doyle, Fleischauer, Fluharty, Graves, Miley, Pushkin, Skaff, C. Thompson and Walker.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2521) 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. 27**, Removing restrictions on where certain traditional lottery games may be played; on second reading, coming up in regular order, was read a second time.



An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page one, section nine, line twelve, following the words “the winner”, by striking out the period and inserting the words “except as authorized under §29-22D-1 et seq. of this code”, followed by a period.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 255**, Relating to Emergency Medical Services Advisory Committee; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2001**, Relating to exempting social security benefits from personal income tax; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2474**, Relating to a reserving methodology for health insurance and annuity contracts; 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. 2476**, Relating to the valuation of a motor vehicle involved in an insurance claim; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2478**, Modifying the Fair Trade Practices Act; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegate Fluharty, was reported by the Clerk, on page two, line thirty, after the period, by inserting the following:

**“§33-11A-8. Tying of products and use of credit history for certain policies prohibited.”**

(a) No person shall require or imply that the purchase of an insurance product from a financial institution by a customer or

prospective customer of the institution is required as a condition of the lending of money or extension of credit.

(b) No financial institution may offer an insurance product in combination with its other products, unless all the products are available separately from the financial institution.

(c) With respect to insurance policies for passenger motor vehicles, residential property or other personal insurance lines, no person may:

(1) Refuse to underwrite, cancel, refuse to renew a risk or increase a renewal premium based, in whole or in part, on the credit history of an applicant for insurance or an insured person;

(2) Rate a risk based, in whole or in part, on the credit history of an applicant for insurance or an insured person in any manner, including, but not limited to, the provision or removal of a discount, assigning an applicant or insured person to a rating tier, or placing an applicant or insured person with an affiliated company; or

(3) Require a particular payment plan based, in whole or in part, on the credit history of the applicant for insurance or the insured person.”

Whereupon,

In the absence of objection, Delegate Fluharty then withdrew the amendment.

Delegate McGeehan moved to amend the bill on page one, line one, by repealing all of Article 11A in its entirety.

The Speaker ruled that the purpose of the amendment exceeded the object of the bill and therefore was not in order.

The bill was then ordered to engrossment and third reading.

**H. B. 2480**, Relating to the regulation of an internationally active insurance group; 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. 2524**, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2679**, Relating to state issued identification cards; 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. 2607**, Relating to the licensure of nursing homes,

And,

**Com. Sub. for H. B. 2612**, Proposing rules related to the completion or updating of source water protection plans.

#### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Kump.

#### **Miscellaneous Business**

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

- All remarks by Delegates regarding Com. Sub. for H. B. 2010 on yesterday and today

- Delegates Cowles, Robinson and Fluharty during Remarks by Members

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

- Delegate Rowan for H. B. 2490

- Delegate Maynard for H. B. 2697

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

- Delegate Waxman for H. B. 2204

- Delegate Lavender-Bowe for H. B. 2323

- Delegate N. Brown for H. B. 2518, H. B. 2540, H. B. 2709 and H. B. 2715

- Delegate Espinosa for H. B. 2608 and H. B. 2609

- Delegate Bates for H. B. 2763

- Delegate Pyles for H. B. 2758, H. B. 2778 and H. B. 2781

At 12:49 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 1, 2019.

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Friday, February 1, 2019

**TWENTY-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 Thursday, January 31, 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 bill was introduced (Originating in the Committee on Small Business Entrepreneurship and Economic Development and reported with the recommendation that it do pass, but that it first be referred to the Committee on Finance), which was read by its title, as follows:

**By Delegates Higginbotham, Queen, Skaff, Atkinson, Doyle, Hartman, Hornbuckle, C. Martin, Nelson, Toney and Waxman:**

**H. B. 2828** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-6b all relating to promoting investment in a Qualified Opportunity Zone by providing a mechanism to exempt taxable income from corporate net income tax and personal income tax during the first ten (10) years of a Qualified Opportunity Zone Business's operation within one or more Qualified Opportunity Zones located in West Virginia; providing an effective date; and authorizing rulemaking authority for the Tax Commissioner."

The Speaker referred the bill (H. B. 2828) 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. 2691**, Providing that a license to carry a concealed deadly weapon expires on the holder's birthday,

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

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. 2779**, Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund,

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

**Com. Sub. for H. B. 2779** - "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 by providing that proceeds from certain oil and natural gas wells and 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 provisions purporting to convey or reserve interests created by this article are void, 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.

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. 2452**, Creating the West Virginia Cybersecurity Office,

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.

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2452) to the Committee on Finance.

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. 2647**, Self Storage Limited License Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2647) was referred to the Committee on the Judiciary.

Delegate Jennings, 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. 2627**, Removing all costs and fees from a Silver Star registration plate,

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. 2627) was referred to the Committee on Finance.

Delegate Jennings, 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. 2657**, Relating to registration of military surplus vehicles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2657) was referred to the Committee on the Judiciary.

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:

**H. B. 2538**, Providing banking services for medical cannabis,

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. 2538) was referred 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. 2397**, Requiring county school boards to provide adequate mental health and counseling 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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 2397) was referred to the Committee on Education.

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

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

**H. B. 2490**, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades,

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

**Com. Sub. for H. B. 2490** - "A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to preventing the secretary of the Department of Health and Human Resources from enforcing certain rules relating to public pools,"

With the recommendation that the committee substitute do pass.

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

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

**H. B. 2515**, Exempting the sale and installation of mobility enhancing equipment from the sales and use tax,

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. 2515) was referred to the Committee on Finance.

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:

**Com. Sub. for S. B. 62**, Requiring participation in drug court program before discharge of certain first-time drug offenses,

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 (Com. Sub. for S. B. 62) was referred to the Committee on the Judiciary.

### **Messages from the Senate**

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. 187** - "A Bill to amend and reenact §64-7-1, §64-7-2, and §64-7-3 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies under the Department of Tax and Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by

the Legislative Rule-Making Review Committee; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs, and the Office of the Governor; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program; authorizing the State Tax Department to promulgate a legislative rule relating to citizen tax credit for property taxes paid; authorizing the State Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the West Virginia Lottery; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal; authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering rule; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing"; which was referred to the Committee on Finance 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. 199** - “A Bill to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9, §64-9-10, and §64-9-11 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to rural rehabilitation loan program; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farm-to-food bank tax credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to agritourism; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program; authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons; authorizing the Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a legislative rule

relating to regulations governing pharmacy permits; authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists; authorizing the Board of Pharmacy to promulgate a legislative rule relating to rules for the substitution of biological pharmaceuticals; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to policies, standards, and criteria for the evaluation, approval, and national nursing accreditation of prelicensure nursing education programs; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure, and conduct constituting professional misconduct; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to scope of professional nursing practice; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board and supplemental renewal fee for the Center for Nursing; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to dialysis technicians; authorizing the Secretary of State to promulgate a legislative rule relating to filing and formatting rules and related documents and other documents for publication in the State Register; authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act for the purchase of voting equipment, election systems, software, services, and upgrades; authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts; authorizing the Secretary of State to promulgate a legislative rule relating to notaries public; authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to code of ethics; and

authorizing the Treasurer's Office to promulgate a legislative rule relating to reporting and claiming unknown and unlocatable interest owners' reserved interests"; which was referred to the Committee on Government Organization then 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

**S. B. 256** - "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 Finance.

A message from the Senate, by

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

**S. B. 272**, Updating code relating to Commission on Special Investigations.

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. 297** - "A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver's licenses for active military members' spouses"; which was referred to the Committee on Technology and Infrastructure then Finance.

A message from the Senate, by

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

adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**S. C. R. 12** - “Requesting the Division of Highways name bridge number 50-37-22.70 (50A076), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the ‘U. S. Army CPL Lee Roy Young Memorial Bridge’.”

Whereas, Lee Roy Young was born in 1933, in Genoa, Wayne County, West Virginia; and

Whereas, CPL Lee Roy Young joined the United States Army and served with the 8<sup>th</sup> Cavalry Regiment, 1st Cavalry Division, in the Chorwon area of the Korean War; and

Whereas, CPL Lee Roy Young was seriously wounded while fighting the enemy in South Korea on May 26, 1951. He returned to duty on May 29, 1951; and

Whereas, CPL Lee Roy Young was killed in action while fighting the enemy in North Korea on October 17, 1951. He is buried in the Young Family Cemetery in Genoa, Wayne County, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Lee Roy Young and his sacrifice for 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 50-37-22.70 (50A076), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the “U. S. Army CPL Lee Roy Young Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge

as the “U. S. Army CPL Lee Roy Young Memorial Bridge”; and, be it

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

### **Resolutions Introduced**

Delegates Sponaugle, Hartman, N. Brown, Staggers, Barrett, Caputo, Miley, Diserio, Angelucci, S. Brown and Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 46** - “Requesting the Division of Highways name bridge number 16-55/2C-3.76, crossing U. S. 48 at the East Moorefield exit, locally known as the Cunningham Lane Bridge in Moorefield, Hardy County, the ‘PVT Jack C. Evans Memorial Bridge’.”

Whereas, Jackie Carson Evans was born October 15, 1949, in Petersburg, West Virginia to Harry V. Evans and Lucy May Kevner Evans; and

Whereas, Jackie Carson Evans grew up in Moorefield, West Virginia and graduated from Washington-Lee High School in northern Virginia in 1969; and

Whereas, Jack Evans was drafted during the Vietnam War as a Private in the U. S. Army; and

Whereas, After the war PVT Evans married his wife Sandra in 1976 and moved back to Moorefield, West Virginia where they bought Harper’s Motel which is now the Evans Motel, which he operated until his death in 2016; and

Whereas, PVT Evans served on the Moorefield Planning Commission and was a Hardy County elections poll worker for over 30 years; and



Whereas, PVT Evans was a member of American Legion Post 64 in Moorefield and served in the Moorefield Volunteer Fire Company; and

Whereas, PVT Evans was an outdoorsman, an avid fisherman, golfer, and a member of the Valley View Golf Club for many years. PVT Evans often hunted the land around the bridge to be named for him; and

Whereas, PVT Evans is survived by his wife Sandra and two sons, Jason R. Evans and Justin M. Evans, and four granddaughters; and

Whereas, It is fitting that a permanent memorial be established to honor the life and service of PVT Jack C. Evans to both his country and the city of Moorefield, West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-55/2C-3.76, crossing U. S. 48 at the East Moorefield exit, and locally known as the Cunningham Lane Bridge in Moorefield, Hardy County, the “PVT Jack C. Evans 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 “PVT Jack C. Evans 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 Rowe, Caputo, Estep-Burton, Skaff, Robinson, Pushkin, Byrd, Capito, Malcolm, Nelson and Graves offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 47** - “Requesting the Division of Highways to add ‘UMWA President 1972-1979’ to bridge number 20-77-83.84

(20A615), carrying Interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County that was named in 2017 as the ‘U. S. Army PFC Arnold Miller Memorial Bridge’.”

Whereas, In 2017 that bridge was named to honor Arnold Miller as a result of the adoption of House Concurrent Resolution 35; and

Whereas, In addition to Arnold Miller’s other achievements, the most notable was serving as President of the United Mine Workers of America from 1972 until his failing health forced him to resign in 1979; and

Whereas, Arnold Miller’s contribution to the State of West Virginia, the United Mine Workers of America, and to miners across the country should be acknowledged on that sign; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to add “UMWA President 1972-1979” to bridge number 20-77-83.84 (20A615), carrying Interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County that was named in 2017 as the “U. S. Army PFC Arnold Miller Memorial Bridge”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to add “UMWA President 1972-1979” to the signs at both ends of the bridge containing bold and prominent letters named “U. S. Army PFC Arnold Miller 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.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

**By Delegates Steele, Graves, Pack, Butler, McGeehan, Maynard, Howell, Harshbarger and Higginbotham:**

**H. J. R. 24** - “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof,

relating to exempting honorably discharged veterans of the Armed Forces of the United States who have been determined to have a one hundred percent disability from ad valorem property taxation on the full amount of assessed value of a primary residence and all personal property; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

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

#### **By Delegate Kump:**

**H. B. 2797** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to calculation of West Virginia adjusted gross income for personal income tax purposes; and subtracting social security benefits from federal adjusted gross income to the extent included in federal gross income for federal income tax purposes”; to the Committee on Senior, Children, and Family Issues then Finance.

#### **By Delegates Householder and Criss:**

**H. B. 2798** - “A Bill to amend and reenact §11-10-3, §11-10-4, §11-10-7, §11-10-14, §11-10-15, and §11-10-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-10-18c; to amend and reenact §11-21-3, §11-21-51a, §11-21-59 and §11-21-71a of said code; to amend said code by adding thereto four new sections, designated §11-21-37a, §11-21-37b, §11-21-37c and §11-21-59a; to amend and reenact §11-24-20 of said code; and to amend said code by adding thereto a new article, designated §11-21A-1, §11-21A-2, §11-21A-3, §11-21A-4, §11-21A-5, §11-21A-6, §11-21A-7, §11-21A-8, §11-21A-9, §11-21A-10, §11-21A-11, and §11-21A-12, all relating generally to amending West Virginia tax laws to conform to changes in how partnerships and their partners and other pass through entities and their equity owners are treated for federal income tax purposes for tax years beginning after December 31, 2017; amending West Virginia Tax Procedures and

Administration Act, Personal Income Tax Act and Corporation Net Income Tax Act to provide for administration, collection and enforcement of income tax on certain partnerships and other passthrough entities treated as partnerships for federal income tax purposes and their partners and equity owners in conformity with changes made by United States Congress in how these entities and their equity owners are treated for federal income tax purposes for taxable years beginning after December 31, 2017; providing for application of West Virginia Tax Procedure and Administration Act to apply to imputed income taxes imposed on partnerships and other passthrough entities; imposing addition to tax for failure of partnership and other passthrough entity to file partnerships returns and reports; imposing imputed personal income tax on certain partnerships and other pass-through entities treated like partnerships for federal income tax purposes based on federal audit adjustments; providing general rules and special rules for allocation and apportionment of business income; providing for filing of amended composite personal income tax returns by pass through entities on behalf of nonresident equity owners; providing additional rules for reporting of federal changes to federal taxable incomes; providing amended rules for reporting of federal adjustments by Internal Revenue Service or other competent authority; providing rules for reporting adjustments by other states resident claims credit for tax paid to another state; providing for passthrough entity withholding on nonresidents when partnership or other passthrough entity pushes federal audit adjustments out to equity owners; adding a new article providing for administration, collection and enforcement of additional West Virginia income taxes from certain partnerships and other pass-through entities treated like partnerships for federal income tax purposes, or their equity owners, that are attributable to federal audit adjustments; defining certain terms; providing for reporting of adjustments to federal taxable income; providing for reporting of federal audit adjustments resulting from federal audit of passthrough entity or from administrative adjustment requests; providing for assessment of additional West Virginia income taxes, interest and additions to tax arising from federal adjustments to federal taxable income within applicable statute of limitations; allowing payment of estimated West Virginia income tax payments during course of

federal audit of certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes; providing for refund or credit of West Virginia incomes taxes attributable to finalized federal audit adjustments; providing rules for scope of audit adjustments and extensions of time; specifying effective dates; providing for legislative, interpretive and procedural rules; providing for Tax Procedures and Administration Act and Tax Crimes and Penalties Act to apply to imputes income tax imposes on certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes; providing additional rules for reporting of changes in federal taxable income of corporations; making technical corrections in existing code sections being amended; and specifying effective dates”; to the Committee on Finance.

**By Delegate Kessinger:**

**H. B. 2799** - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to conduct regular structural inspections of school facilities and structures; and requiring boards to establish a schedule of rotating inspections for all schools every 10 years”; to the Committee on Education then Finance.

**By Delegates Kessinger, Foster and Pack:**

**H. B. 2800** - “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 permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational school”; to the Committee on Education.

**By Delegates Kessinger, Pack and Foster:**

**H. B. 2801** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, relating to requiring abortions to be performed by a licensed physician”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates J. Kelly, Shott, Nelson, Anderson and Criss:**

**H. B. 2802** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1,

§37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, §37-16-9, §37-16-10, §37-16-11, §37-16-12, and §37-16-13, all relating to enacting the Uniform Partition of Heirs Property Act; defining terms; providing for a court hearing to determine if the partition action concerns heirs' property; providing for notice by publication in a partition action; providing for requirements for commissioners; providing procedures for a court to follow in determining the value of the property and factors for a court to consider for certain types of partitions; providing procedures for cotenant buyout; providing for alternatives to a partition action; providing for certain factors for the court to consider in determining whether partition in kind is appropriate; providing for open-market sales, sealed bids, or auctions; providing reporting requirements for an open-market sale; providing for uniformity of application and construction; and modifying, limiting, and superseding the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 *et seq.*"; to the Committee on Energy then the Judiciary.

**By Delegates Campbell, Lovejoy, Canestraro, Lavender-Bowe, Higginbotham, Maynard, Pack, Cooper, Paynter and Anderson:**

**H. B. 2803** - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to increasing the number of days a retired teacher may accept employment prior to having retirement benefits reduced, from 140 days to 180 days"; to the Committee on Education then Finance.

**By Delegates Kessinger, Higginbotham and Cooper:**

**H. B. 2804** - "A Bill to repeal §29-20-2, §29-20-3, §29-20-4, §29-20-5 and §29-20-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-20-1 of said code, all relating to termination of the Women's Commission; declaring Women's Commission terminated and not in existence after June 30, 2019; directing commission to wind up affairs, arrange for disposition of funds, assets, equipment and records, and cease all activities before July 1, 2019; and repealing provisions of code related to Women's Commission"; to the Committee on Government Organization then Finance.

**By Delegates Espinosa, Ellington, Butler, Householder, Kessinger, Porterfield, Jennings, Worrell, Fast and C. Martin:**

**H. B. 2805** - “A Bill to amend and reenact §18-5-15 of the Code of West Virginia, 1931, as amended, relating to persons to whom schools are open; prohibiting denial of enrollment in any curricular or extracurricular course, program or activity of any person to whom schools are open subject to certain conditions; and stating conditions”; to the Committee on Education.

**By Delegates Linville, Summers, Kessinger and Byrd:**

**H. B. 2806** - “A Bill to amend and reenact §33-51-3, §33-51-4, §33-51-7, §33-51-8 and §33-51-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §33-51-10 and §33-51-11, all relating generally to the Pharmacy Audit Integrity Act and the regulation of pharmacy benefit managers; defining terms; requiring pharmacy benefit managers to obtain a license from the Insurance Commissioner before doing business in the state; setting forth terms and fees for licensure of pharmacy benefit managers; authorizing the Insurance Commissioner to promulgate rules for legislative approval relating to licensing, fees, application, financial standards and reporting requirements of pharmacy benefit managers; requiring pharmacy benefit managers provide a reasonably adequate network; providing that a pharmacy benefit manager has a fiduciary duty to certain third parties; requiring the Insurance Commissioner to enforce the licensure provisions relating to pharmacy benefit managers; providing for the applicability of provisions to pharmacy benefit managers; clarifying that requirements do not apply to certain prescription drug plans; clarifying that an auditing entity may not seek a charge-back or recoupment from a pharmacy or pharmacist except in certain circumstances; providing that pharmacy benefit managers may not reimburse a pharmacy or pharmacist for prescription drugs or pharmacy services below a certain cost plus dispensing fee; prohibiting a pharmacy benefit manager from reimbursing a pharmacy or pharmacist for a prescription drug or pharmacy service in an amount less than the amount a pharmacy benefit manager reimburses its affiliates; and requiring the reporting of

certain data relating to the payment of pharmacy claims”; to the Committee on Banking and Insurance then Finance.

**By Delegates J. Kelly, Nelson, Worrell, D. Kelly, Azinger, Criss, Caputo, Angelucci, Longstreth and N. Brown:**

**H. B. 2807** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend and reenact §11-21-17a of said code, all relating to creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking business in this state, similar to the modification that presently exists in the code for banks organized as C corporations”; to the Committee on Banking and Insurance then Finance.

**By Delegates Wilson, C. Martin, P. Martin, Butler, Hanna, Porterfield, Bibby, Hardy, Foster, Waxman and Pack:**

**H. B. 2808** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, and §7-28-7, all relating to requiring local entities to enforce immigration laws; providing for definitions; providing for applicability; requiring that a local entity not prohibit the enforcement of immigration laws or the cooperation with other governmental agencies to enforce immigration laws; prohibiting discrimination; providing for a complaint procedures; providing for notice of noncompliance to the local entity; providing for actions to ensure compliance; providing for the denial of state funds to local entities in a final judicial determination; providing for exceptions under certain circumstances; and providing for severability”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Shott:**

**H. B. 2809** - “A Bill to amend and reenact § 20-14-8 of the Code of West Virginia, 1931, as amended, relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area”; to the Committee on the Judiciary.

**By Delegate Bates:**

**H. B. 2810** - “A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to modifying the



method of calculation of the employer and employee contribution percentages for public employee insurance premiums”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Kessinger:**

**H. B. 2811** - “A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to generic drug products; and making the provisions retroactive”; to the Committee on Health and Human Resources then Finance.

**By Delegates Caputo, Boggs, Paynter, J. Jeffries, Evans, Phillips, Dean, Storch, Pethtel, Bates and Campbell:**

**H. B. 2812** - “A Bill to amend and reenact §22A-2-63 of the Code of West Virginia, 1931, as amended, relating to allowing the Office of Miners’ Health, Safety and Training to inspect the records of employers of certified persons for compliance purposes, including, but not limited to, compliance with requirements relating to training and drug screenings”; to the Committee on Industry and Labor then Energy then the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2813** - “A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15A-6b, all relating generally to collection of use tax; defining terms, requiring collection of use tax by marketplace facilitators and referrers satisfying certain economic nexus requirements; and specifying internal effective date”; to the Committee on Finance.

**By Delegates Steele, Foster, Pack and Canestraro:**

**H. B. 2814** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-417, relating to making it a felony to transport certain drugs into the state with intent to deliver; prescribing criminal penalties; and making an exception”; to the Committee on the Judiciary.

**By Delegates Steele, Shott, Pack, Graves and Canestraro:**

**H. B. 2815** - “A Bill to amend and reenact §61-3-13 of the Code of West Virginia, 1931, as amended, relating to raising the

value of goods or chattels that are taken in a larceny to constitute grand larceny”; to the Committee on the Judiciary.

**By Delegates Campbell, Canestraro, Higginbotham, Lavender-Bowe, Atkinson, Williams, R. Thompson, Caputo, Hornbuckle, Dean and Pack:**

**H. B. 2816** - “A Bill to amend and reenact §5-14-1, §5-14-2, §5-14-3, §5-14-5, and §5-14-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-5a of said code; to amend and reenact §16-22A-4 of said code; to amend and reenact §16-35-2 of said code; to amend and reenact §18-20-1a and §18-20-1b of said code; to amend and reenact §29-3-16a of said code; to amend and reenact §52-1-8 of said code; and to amend and reenact §57-5-7 of said code, all relating to removing the terms ‘hearing impaired,’ ‘hearing impairment,’ and ‘deaf mute’ from the West Virginia Code and substituting the terms ‘deaf or hard of hearing,’ ‘hard of hearing,’ ‘hearing difficulties,’ or ‘difficulties in hearing’ according to context”; to the Committee on Government Organization.

**By Delegates Miley, Storch, Westfall, Capito, Hardy, Higginbotham, Byrd, Walker, C. Thompson, Bates and Stagers:**

**H. B. 2817** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5 and §47-12-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Rodighiero, Evans, Hicks, Tomblin, Miller, J. Kelly, R. Thompson and Doyle:**

**H. B. 2818** - “A Bill to amend and reenact §18-7D-6 of the Code of West Virginia, 1931, as amended, relating to reopening period to allow purchase of State Teachers Retirement System service credit by transfer from State Teachers Defined Contribution

System”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Householder and Criss:**

**H. B. 2819** - “A Bill to amend and reenact §11-12-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-8b of said code, all relating generally to contractors; defining certain terms; clarifying business registration requirements in case of both nonresident contractors and nonresident subcontractors; clarifying bonding requirements in case of both nonresident contractors and nonresident subcontractors for purposes of consumers sales and service and use taxes, and including municipal consumers sales and use taxes and special district excise tax within bonding specifications, as applicable”; to the Committee on Finance.

**By Delegate Shott:**

**H. B. 2820** - “A Bill to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to establishing criminal penalties for reckless driving resulting in death, and increasing criminal penalties for reckless driving resulting in serious bodily injury”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2821** - “A Bill to amend and reenact §15-1B-17 of the Code of West Virginia, 1931, as amended, relating to updating provisions for command, clerical and other pay”; to the Committee on Finance.

**By Delegates Rohrbach, Lovejoy, Hornbuckle, Mandt, D. Kelly, Dean, Campbell, Worrell, Hollen and Linville:**

**H. B. 2822** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-5-3a, relating to creating an enhanced penalty for certain aggravated serious traffic offenses; requiring a person to first be convicted of the underlying offense before the enhanced penalty is permitted to be assessed; and prohibiting the enhanced penalty from increasing a misdemeanor offense to a felony offense”; to the Committee on the Judiciary.

**By Delegates Jennings, Sypolt, Williams, Canestraro, Hansen, Pyles, Walker and Miley:**

**H. B. 2823** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to requiring Department of Highways to make available a calendar of projects and related information for each district"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Jennings, Rowan and Atkinson:**

**H. B. 2824** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18d, relating to teacher to pupil ratio in grades first through third, and requiring third grade students show proficiency before advancing to fourth grade"; to the Committee on Education.

**By Delegates Rohrbach, Rowan, Linville, Maynard, Kessinger, Lovejoy and Storch:**

**H. B. 2825** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-31, relating to creating a workgroup to review the hospice need standards in this state"; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates Campbell, Paynter, J. Kelly, Barrett, R. Thompson, Lavender-Bowe, Dean, Pack, Canestraro, Evans and Bates:**

**H. B. 2826** - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to altering the school calendar to begin the Tuesday after Labor Day and end the Friday before Memorial Day; provide for accrued minutes to be used toward reaching the required number of instructional days; and providing for up to 10 days of equivalent time to negate effects of school closures"; to the Committee on Education.

**By Delegates Sypolt, Phillips, Graves, Nelson, Pyles and Miller:**

**H. B. 2827** - "A Bill to amend and reenact §11-2-3 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirements for hiring deputy assessors"; to the

Committee on Political Subdivisions then Government Organization.

### Special Calendar

#### Third Reading

**S. B. 27**, Removing restrictions on where certain traditional lottery games may be played; 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. 59**), and there were—yeas 86, nays 11, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Anderson, Fast, Hollen, D. Jeffries, Jennings, J. Kelly, Linville, Pack, Porterfield, Toney and Worrell.

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 27) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

**S. B. 27** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to types of lottery games to be to be conducted by the state lottery commission; removing restrictions on where certain traditional lottery games may be played; and conforming language to recently enacted legislation.”

*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 S. B. 255**, Relating to Emergency Medical Services Advisory Committee; 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. 60**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pack.

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 255) passed.

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

**Com. Sub. for H. B. 2001**, Relating to exempting social security benefits from personal income tax; 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. 61**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Doyle.

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2001) 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. 2474**, Relating to a reserving methodology for health insurance and annuity contracts; 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. 62**), 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: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2474) 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. 2476**, Relating to the valuation of a motor vehicle involved in an insurance claim; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 63**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2476) 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. 2478**, Modifying the Fair Trade Practices 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. 64**), and there were—yeas 91, nays 6, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Jennings, Longstreth, McGeehan, Paynter and Wilson.

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2478) 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. 2480**, Relating to the regulation of an internationally active insurance group; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 65**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2480) 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. 2524**, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 66**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington and Kump.



So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2524) 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. 2679**, Relating to state issued identification cards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 67**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2679) 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

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

**Com. Sub. for H. B. 2607**, Relating to the licensure of nursing homes,

And,

**Com. Sub. for H. B. 2612**, Proposing rules related to the completion or updating of source water protection plans.

#### First Reading

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

**S. B. 268**, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act,

**S. B. 269**, Updating terms used in WV Personal Income Tax Act,

**Com. Sub. for H. B. 2004**, Providing for a program of instruction in workforce preparedness,

**Com. Sub. for H. B. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program,

**Com. Sub. for H. B. 2420**, Establishing the Mountaineer Trail Network Recreation Authority,

**H. B. 2666**, Supplemental appropriation to the Department of Veterans' Assistance,

And,

**H. B. 2668**, Supplemental appropriation to the Department of Administration, Public Defender Services.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, Ellington and Kump.

### **Miscellaneous Business**

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

- Delegates Espinosa, Miller and Shott during Remarks by Members
- Delegates Rowe, Angelucci, Evans, Doyle, Hansen, Pyles, Swartzmiller, Maynard and Rohrbach regarding Com. Sub. for H. B. 2001

- All remarks regarding Com. Sub. for H. B. 2521

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

- Delegate Wilson for H. B. 2204
- Delegate Pushkin for H. B. 2334
- Delegates Hollen, Mandt and Rohrbach for H. B. 2397
- Delegate Espinosa for H. B. 2647
- Delegate Paynter for H. B. 2720
- Delegate Pyles for H. B. 2732, H. B. 2792 and H. B. 2793
- Delegate Lavender-Bowe for H. C. R. 24

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

- Delegate McGeehan for H. B. 2697
- Delegate Worrell for H. B. 2699
- Delegates Doyle, Hartman and Hornbuckle for H. B. 2828

At 12:02 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 4, 2019.



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Monday, February 4, 2019

**TWENTY-SEVENTH 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 1, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

**Resolutions Introduced**

Delegates Staggars, Caputo, Butler, Miley, Cadle, Higginbotham, Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Capito, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Harshbarger, Hartman, Hicks, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miller, Nelson, Pack, Paynter, Pethel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaule, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution:

**H. R. 10** - "Memorializing the life of the Honorable James Michael Casey, proud father, veteran, attorney, public servant and West Virginian."

Whereas, James Michael Casey was born on April 3, 1949, in Parsons, West Virginia, a son of the late Leo A. Casey and Elizabeth Blackman Casey. In addition to his parents, James was preceded in death by his sisters Jo Ellen and Mary Ann, and is survived by his sister Elizabeth Prichard and his two children, Marianne and John; and

Whereas, James attended college until Uncle Sam gave him a call and he proudly served in the U. S. Army from 1969 until 1972, which included a tour of duty in Vietnam as a member of the 101<sup>st</sup> Airborne of the United States Army. Following being honorably discharged from military service, he returned to school and graduated from the Ohio State University with a Degree in Journalism in 1974, and then received his Doctorate of Juris Prudence from the West Virginia University College of law in 1977; and

Whereas, James began his law practice in Point Pleasant in 1977, pursuing his desire to help people and to provide a meaningful contribution to his community. He dedicated a large portion of his law practice to pro bono work and in helping people in his community who needed legal assistance but often were unable to pay; and

Whereas, James was also committed to the advancement and professionalism of the practice of law, serving as President of the Mason County Bar Association, Board of Governors for the West Virginia Bar Association and a career long member of the West Virginia Association for Justice; and

Whereas, James was elected to the House of Delegates in 1982 and 1984, and while serving advocated for the needs of Mason County residents and state citizens, social justice and human rights. He particularly enjoyed his service on the House Judiciary Committee, which in his view was the finest and most deliberative body of the West Virginia Legislature; and

Whereas, James' legislative service fanned his passion for government affairs, and for the next 35 years, he served in a variety of roles working with the West Virginia Legislature, most notably continuing his advocacy for civil justice working for the West Virginia Association of Justice, and as a long-time lobbyist for the West Virginia Beer Wholesalers Association. In these positions, he fully enjoyed his continued involvement with the Legislature and over the years befriended many members and legislative staff with his good-natured humor, honesty and thoughtful views regarding the issues of the day; and

Whereas, James and his former wife Sylvia were very proud of their two children, John and Marianne, and although they subsequently divorced, remained close and lived near each other in Point Pleasant for many years, which allowed James to remain an important and regular part of his children's lives; and

Whereas, Sadly West Virginia lost a fine citizen, public servant, a kind, giving and dedicated friend to many, when after a long illness, the Honorable James M. Casey, passed away on October 26, 2018; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby memorializes the life of the Honorable James M. Casey, father, veteran, public servant, and social justice advocate; and, be it

*Further Resolved,* That the House of Delegates hereby extends its sincere sympathy at the passing of the Honorable James M. Casey; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable James M. Casey.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 10) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 68**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Hill, Kump, Longstreth, Porterfield, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 10) adopted.

### Committee Reports

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

Your Committee on the Judiciary has had under consideration:

**Com. Sub. for S. B. 152**, Relating generally to criminal offense expungement,

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. 152) was referred to the Committee on Finance.

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:

**H. B. 2609**, Relating to presumptions of abandonment and indication of ownership in property,



And reports the same back, with a title 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. 2609) 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. 2481**, Permitting retail liquor licensees to sell alcoholic beverages from 10 a.m. to 10 p.m. on Sundays,

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

**Com. Sub. for H. B. 2481** - "A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to permitting retail liquor licensees to sell certain alcoholic beverages after 1 p.m. on Sundays,"

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. 240**, Repealing certain legislative rules no longer authorized or are obsolete,

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

On motion for leave a resolution was introduced (Originating in the Committee on Senior, Children, and Family Issues 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 Rowan, Boggs, Canestraro, Estep-Burton, Fluharty, Graves, Linville, Longstreth, Lovejoy, Malcolm, Mandt, Maynard, Pethtel, Pyles, Rodighiero, Rohrbach, Sypolt, Toney and Williams:**

**H. C. R. 48** - "Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue."

Whereas, It is the intent of the House of Delegates to increase awareness of Alzheimer's disease and other dementias, address cognitive impairment, promote brain health, and meet the needs of caregivers; and

Whereas, Alzheimer's disease has been traditionally seen as an aging issue, Alzheimer's is also a public health issue because the burden to society is large, the impact is major, and there are ways to intervene throughout the lifespan; and

Whereas, The onset of Alzheimer's disease cannot yet be stopped or reversed; and

Whereas, Early detection and diagnosis give people with dementia and their families a better chance of receiving and benefitting from treatment, care and support services and allow them to better prepare for medical, legal and financial decisions in the future; and

Whereas, Alzheimer's disease is the sixth leading cause of death in adults age eighteen or older in the United States of America; and

Whereas, Currently there are no definitive interventions or successful treatments to prevent or cure Alzheimer's disease; and

Whereas, The Centers for Disease Control and Prevention (CDC) has declared that it is essential to promote early detection, educate the public about risk reduction and continue accurately tracking the diagnosis of Alzheimer's disease and other dementias; and

Whereas, In conjunction with the CDC, the Bureau for Public Health annually conducts the Behavioral Risk Factor Surveillance System (BRFSS) survey to gather statewide public health data; and

Whereas, In the 2015 BRFSS survey, ten percent, or one in ten, of West Virginia residents age 45 and older reported an increase in confusion or worsening memory loss and more than half of them (52.4 percent) had not discussed these cognitive concerns with a health care provider; and

Whereas, Dementia caregivers often suffer from stress, depression, increased illnesses and chronic health issues while providing care to their loved ones for long periods of time, saving tax payers billions of dollars in the process; and

Whereas, We recognize the important responsibility the Bureau for Public Health has in promoting and encouraging healthy behaviors among the general public, increasing early detection and diagnosis of disease and disability, reducing risk of future illness and injury, educating the health care workforce, and monitoring the health of the state; now, therefore, be it

*Resolved*, That the House of Delegates urges the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue;

*Further Resolved*, That an appropriate copy of this resolution be transmitted to the Commissioner of the Bureau for Public Health with this final clause omitted, and the introduction thereto, from such copy.

The Speaker referred the resolution (H. C. R. 48) to the Committee on Rules.

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. 2204**, Prohibiting state licensing boards from hiring lobbyists,

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

**Com. Sub. for H. B. 2204** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to prohibiting state licensing boards from hiring lobbyists; and declaring that the director, board counsel and appointed board members of each board may lobby on behalf of the board,”

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. 2686**, Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program,

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

**Com. Sub. for H. B. 2686** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15B-1, and §62-15B-2, all relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug treatment court pilot program; permitting the implementation of a family drug treatment court pilot program in at least four circuits; restricting family drug treatment courts to individuals with substance use disorders who are involved in a child abuse and neglect case; permitting the Supreme Court of Appeals of West Virginia to provide oversight, technical assistance and training; establishing a state family drug treatment court advisory committee; establishing a local family drug treatment court advisory committee; requiring each local family drug treatment court advisory committee to establish criteria for the eligibility and participation of adult responders who have been adjudicated an abusing or neglecting parent and who have been granted a post-

adjudicatory improvement period and who have a substance use disorder; prohibiting certain respondents from being eligible for participation in a family drug treatment court; and providing that participation by an adult respondent in a family drug treatment court shall be voluntary and made pursuant only to a written agreement by and between the adult respondent and the department with concurrence of the court,”

And,

**H. B. 2479**, Corporate Governance Annual Disclosure Act,

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

**Com. Sub. for H. B. 2479** - “A Bill to amend and reenact §33-33-2, §33-33-12 and §33-33-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-33-12a; and to amend said code by adding thereto a new article, designated §33-52-1, §33-52-2, §33-52-3, §33-52-4, §33-52-5, §33-52-6, §33-52-7, §33-52-8, and §33-52-9, all relating to the corporate governance practices of an insurance company or a group of insurers; defining internal audit function; making an insurer’s audit committee responsible for overseeing the insurer’s internal audit function; providing that certain insurers must establish an internal audit function with respect to the insurer’s governance, risk management, and internal controls; requiring the head of an insurer’s internal audit function to report to the insurer’s audit committee regularly, but no less than annually, about the periodic audit plan, factors that may adversely impact the internal audit function’s independence or effectiveness, material findings from completed audits and the appropriateness of corrective actions implemented by management as a result of audit findings; exempting certain insurers from the internal audit function requirements; stating purpose of Corporate Governance Annual Disclosure Act; defining terms; requiring an insurer to annually submit to the insurance commissioner a corporate governance annual disclosure; describing the contents of the corporate governance annual disclosure; requiring that the corporate governance annual disclosure include a signature of the

insurer's chief executive officer or corporate secretary; permitting the insurer to choose the corporate level that the corporate governance annual disclosure is applicable, depending upon how the insurer has structured its corporate governance system; allowing the insurer to comply with the corporate governance annual disclosure requirements by cross referencing other documents or referencing documents already in the possession of the insurance commissioner; requiring that documents and other information related to the corporate governance annual disclosure be confidential and privileged; permitting the insurance commissioner to share documents, materials or other corporate governance annual disclosure-related information with National Association of Insurance Commissioners and other regulatory bodies; providing that the insurance commissioner may retain third-party consultants to assist the commissioner in reviewing the corporate governance annual disclosure and related information; subjecting such third-party consultants and the National Association of Insurance Commissioners to the same confidentiality standards as the insurance commissioner; setting forth the penalty for an insurer that fails to timely provide a corporate governance annual disclosure to the insurance commissioner; and providing for effective dates,"

With the recommendation that the committee substitutes each do pass.

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:

**H. B. 2608**, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks,

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

In the absence of objection, reference of the bill (H. B. 2608) to the Committee on the Judiciary was abrogated.

### **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. 4** - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in home rule to additional municipalities; establishing annual assessment for participants in Municipal Home Rule Program; establishing penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule Board; authorizing certain expenditures from special revenue fund; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality’s ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedures related to submitting amendment to approved plan; requiring certain notice prior to proposing or amending a plan; requiring public hearing and notice of hearing prior to municipality proposing a plan or amendment; amending certain prohibitions on the powers and duties of municipalities under home rule; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees;

prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act and Labor-Management Relations Act; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations, or standards that would affect state's required compliance or jeopardize federal funding; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation contrary to laws or rules governing procurement of architectural and engineering services; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation contrary to chapter 17C of the Code of West Virginia, 1931, as amended; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation contrary to laws, rules, or regulations governing communication technologies or telecommunication carriers; prohibiting municipalities from enacting any ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; prohibiting municipalities from passing an ordinance, act, resolution, rule, or regulation that prohibits or limits rental of a property or regulates duration, frequency, or location of such rental; providing certain exceptions to that prohibition and limitation; providing procedures for protesting enactment or amendment of ordinance, act, resolution, rule, or regulation through petition; providing that duly protested enactments shall not become effective unless ratified through majority vote at a regular or special election; specifying voting procedure; providing that certain bonds must be ratified by majority vote before becoming effective; specifying voting procedure for bond ratification; modifying reporting requirements; and eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019"; which was referred to the Committee on Government Organization.



A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 103** - “A Bill to amend and reenact §29-21-6 and §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-21-9a, all relating generally to Public Defender Services; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; providing for payment of contracts; authorizing agency to reduce or reject vouchers or requests for payment; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; authorizing Governor by executive order to borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel; establishing repayment requirements; requiring Secretary of Administration’s clarification that borrowing is necessary; expiring authorization to borrow on January 1, 2021; setting record-keeping standards; requiring prompt processing and payment of vouchers; increasing the rates of compensation for panel attorneys; authorizing payment for in-court paralegal services with prior approval of the circuit court and subject to agency rule regarding maximum reimbursement; authorizing the executive director to promulgate emergency rules; and setting an effective date”; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 233** - “A Bill to amend and reenact §7-14-8 of the Code of West Virginia, 1931, as amended, relating to the age requirements of persons for the position of deputy sheriff”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 264** - “A Bill to amend and reenact §61-11A-4 of the Code of West Virginia, 1931, as amended, relating to requiring courts to order restitution to victims of crime where it is economically practicable; providing for consideration of economic hardship within the order; and providing for the definition of any person compensating a victim for loss to include the West Virginia Crime Victims Compensation Fund for purposes of receiving restitution for funds paid to a crime victim”; 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. 270** - “A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, and §17-2E-6 of said code, all relating to the use of state-owned rights-of-way; modifying requirements related to accommodation leases; providing for the determination of fair market value and compensation for accommodation leases; amending procedures and requirements of the state’s dig once policy; modifying definitions; providing for the determination of fair market value and compensation to Division of Highways relating to dig once policy; modifying notice requirements for permit applicants; amending procedures for the adjudication of disputes between telecommunications carriers; providing certain exemptions from dig once requirements; and authorizing the Division of Highways to, upon approval of the Governor, transfer or assign the

ownership, control, or any rights related to any in-kind compensation received by the division to any other state agency”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 331** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer”; which was referred to the Committee on Agriculture and Natural Resources 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

**S. B. 332** - “A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating to Class Q special hunting permit for disabled persons; and clarifying and expanding class of persons who may obtain such permits”; which was referred to the Committee on which was referred to the Committee on Agriculture and Natural Resources 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. 390** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-4, relating to determining 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 determining the feasibility of certain proposed middle-mile broadband development projects; permitting 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”; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

### **Resolutions Introduced**

Delegates J. Kelly, Anderson, Wilson, Atkinson, D. Kelly, Azinger, Criss, Hollen, Cadle, Bibby, Waxman, Hanshaw (Mr. Speaker), Angelucci, Butler, Byrd, Campbell, Canestraro, Capito, Cooper, Cowles, Dean, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Graves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Kessinger, Lavender-Bowe, Linville, Longstreth, Lovejoy, Mandt, Maynard, McGeehan, Miller, Pack, Paynter, Phillips, Porterfield, Pushkin, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Steele, Storch, Swartzmiller, Sypolt, R. Thompson, Tomblin, Toney, Walker, Westfall 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. 49** - “Requesting the Division of Highways to name bridge number 54-14-24.76 (54A039), locally known as Big Run Bridge, carrying WV 14 over Big Run in Wood County, the ‘U. S. Marine Corps PFC Danny Marshall Memorial Bridge’.”

Whereas, Danny Marshall was born March 9, 1957, in Parkersburg, West Virginia. He grew up in Waverly and attended Waverly Elementary School and Williamstown High School. Danny was one of eight children of Mrs. Faye Marie Marshall Kemp (deceased January 2009). His brothers and sisters are: Barbara Phillis (Williamstown, WV), Robert (New York), Joey (Parkersburg, WV), Dale (deceased), Dorothy Miller (Marietta, OH), Rex (deceased), and Susan Evans (Marietta, OH). Robert and

Joey also served, in the Army and Navy respectively. Danny was an active youth and outdoorsman. He enjoyed wrestling while at Williamstown High and earned several trophies; and

Whereas, At age 17, Danny Marshall joined the Marine Corps in 1974. In 1975 he was based in Okinawa, and his unit would be called upon to rescue the crew of a merchant ship captured by the ruthless Cambodian communists who perpetrated The Killing Fields, the Khmer Rouge. U. S. Marine Corps PFC Danny Marshall and another Marine were captured and taken to the mainland for interrogation at a former Buddhist temple called Wat IntNhean near Sihanoukville. After a week of interrogation and torture, they were killed and buried on the temple grounds. His death date is uncertain, so has been designated by the family as May 15, 1975. He was awarded the Bronze Star, the Purple Heart, the National Defense Service Military Ribbon, the Vietnam Service Military Ribbon, the Defense Distinguished Service Military Ribbon and The Republic of Vietnam Gallantry Cross. On May 23, 1986, the Academic 1 Facility at Marine Corps Base Camp Lejeune in Jacksonville, North Carolina, was dedicated to PFC Marshall and seven other marines who also gave their lives for their country; and

Whereas, Naming the bridge across Big Run in Wood County, the “U. S. Marine Corps PFC Danny Marshall Memorial Bridge” is an appropriate recognition of his contributions to his country, state, community and Wood County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name bridge number 54-14-24.76 (54A039), locally known as Big Run Bridge, carrying WV 14 over Big Run in Wood County, the “U. S. Marine Corps PFC Danny Marshall 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 Corps PFC Danny Marshall 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 Nelson, Householder, Shott, Ellington, Atkinson, Jennings, Sypolt, Hartman, Campbell, Cooper and Cowles:**

**H. B. 2829** - “A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to termination and expiration of the taxes imposed upon persons exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use limestone or sandstone on and after July 1, 2019”; to the Committee on Finance.

**By Delegates Howell, Pack, Hollen, Jennings, Miller, D. Kelly, Storch, Dean, Hamrick, Foster and Summers:**

**H. B. 2830** - “A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §24-6-15; all relating to establishing Next Generation 911 services in this state; providing for expanded definitions; establishing a commission to study Next Generation 911 services; providing for commission membership; providing for travel expense reimbursement under certain conditions; establishing the commission’s duties; requiring a preliminary report to the Joint Committee on Government and Finance; requiring a final report to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission”; to the Committee on Government Organization then Finance.

**By Delegates Criss, Storch, Cowles, Hill, Butler, Hardy, Boggs, Barrett, Pethel, Longstreth and Hartman:**

**H. B. 2831** - “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”; to the Committee on Finance.

**By Delegates Caputo, N. Brown, Lovejoy, Rohrbach, Canestraro and Miller:**

**H. B. 2832** - “A Bill to amend and reenact §22A-1-4 of the Code of West Virginia, 1931, as amended, relating to requiring drug testing companies to have contractor IDs and mandatory safety training before performing work on mine property”; to the Committee on Industry and Labor then Energy.

**By Delegates Maynard, Paynter, Rohrbach, Caputo, J. Jeffries, Miller, Tomblin, Evans, Hicks, R. Thompson and Linville:**

**H. B. 2833** - “A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Anderson, J. Kelly, Harshbarger and Howell:**

**H. B. 2834** - “A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to updating and modernizing the minimum spacing provisions for the drilling of horizontal deep wells, which will allow exploration and production companies to implement evidence based best practices; establishing no spacing limitations on horizontal deep wells that are operated by the same operator or different operators pursuant to written agreement; establishing setbacks from unit boundaries between different operators; establishing the spacing between the wells of different operators; and limiting the distances that may be established to only those between the producing portions of horizontal deep wells and not the entire well bore”; to the Committee on Energy.

**By Delegates Lovejoy, Canestraro, Rohrbach and Hornbuckle:**

**H. B. 2835** - “A Bill to amend and reenact §62-11D-2 of the Code of West Virginia, 1931, as amended, relating to changing provisions regarding polygraph examinations of sex offenders”; to the Committee on the Judiciary.

**By Delegates Lovejoy, Rohrbach, Hornbuckle, Zukoff, Toney and C. Thompson:**

**H. B. 2836** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for spay and neuter advocates; and establishing a fee”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Espinosa, Householder, Barrett and Storch:**

**H. B. 2837** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing



rulemaking and emergency rulemaking”; to the Committee on the Judiciary then Finance.

**By Delegates S. Brown, Shott, Lovejoy, Summers, Fleischauer and Kessinger:**

**H. B. 2838** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32; and to amend and reenact §62-6-8 of said code, all relating to a court ordered examination”; to the Committee on the Judiciary.

**By Delegates Espinosa, Householder, Hardy and Bibby:**

**H. B. 2839** - “A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended, all relating to making changes in distribution of racetrack video lottery net terminal income, excess net terminal income and excess lottery fund”; to the Committee on Finance.

**By Delegates Jennings, Phillips and Sypolt:**

**H. B. 2840** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing a county commission in certain counties to impose an amusement tax to support medical care and emergency services in the county”; to the Committee on Political Subdivisions then Finance.

**By Delegates Graves, Dean, Pack, Paynter, Maynard, Storch, Rowan, Westfall and Summers:**

**H. B. 2841** - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to increasing the modification reducing income for personal income tax for retired teachers and retired state employees”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Graves, Bates, Maynard, Pack, Paynter, Criss, Longstreth, Storch and Westfall:**

**H. B. 2842** - “A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §18-9A-9, all relating to increasing the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials, supplies or equipment

which, in the judgment of the teacher or librarian, will assist providing instruction”; to the Committee on Education.

**By Delegates Howell, Pack, Hamrick, Dean, Criss, C. Martin, D. Jeffries, McGeehan and Householder:**

**H. B. 2843** - “A Bill to repeal §5A-3-44 and §5A-3-46 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5-17-1, §5-17-2, and §5-17-3; and to amend and reenact §5A-3-45 of said code, all relating to disposition of federal and state surplus property; creating an Office for Federal Surplus Property; providing for the creation of advisory boards or committees; specifying powers of the office; authorizing the assessment of certain storage and handling charges; terminating the State Agency for Surplus Property; authorizing spending units to dispose of their own unnecessary commodities; providing for a transition period prior to the termination of the State Agency for Surplus Property; providing for the disposition of motor vehicles and heavy equipment by public auction; and authorizing the promulgation of rules to facilitate disposition of state property”; to the Committee on Government Organization.

**By Delegates Howell, Pack, C. Martin and D. Jeffries:**

**H. B. 2844** - “A Bill to repeal §29-6-7a, §29-6-9, §29-6-10a, §29-6-14 and §29-6-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-6, §29-6-7, §29-6-8, §29-6-10, §29-6-12, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, and §29-6-27 of said code, all relating to the state employee merit system; defining terms; allowing additions to classified service; providing exemptions to classified service; providing make-up and duties of the State Personnel Board; defining a quorum; providing authority of Director of Personnel; providing rulemaking for the Division of Personnel; exempting cause of action changes to classification and pay grade; authorizing the director to adjust pay grades; providing process for appointment, promotion or reinstatement from lists of candidates; allowing for pilot projects; providing process for dismissal; confidentiality of records; allowing local political subdivisions to participate in the classified service system; providing penalties; providing time

frames for job postings and appointments; and allowing for a leave donation program”; to the Committee on Government Organization.

**By Delegates Howell, Pack, C. Martin, D. Jeffries, Dean and Hamrick:**

**H. B. 2845** - “A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §11-24-25; and to amend said code by adding thereto a new section, designated §21A-2-7, all relating to apprenticeship programs; encouraging establishment of apprenticeship programs by providing a tax credit against the personal and corporate income taxes; and requiring the Executive Director of Workforce West Virginia, the State Superintendent of Schools and the Commissioner of Labor to jointly establish a program combining high school curriculum and career and technology training with critical on-the-job training performed at a local business through a registered apprenticeship program”; to the Committee on Industry and Labor then Finance.

**By Delegates Miller, D. Kelly, Swartzmiller, Robinson, Queen, Hornbuckle, Pack and Malcolm:**

**H. B. 2846** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to special vehicle registration plates; designating a ‘Back the Blue’ plate in support of law-enforcement personnel; and establishing fees for application and issuance of the plate”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Porterfield, Fast, J. Jeffries and Paynter:**

**H. B. 2847** - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Ellington and Summers:**

**H. B. 2848** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-

12i; and to amend and reenact §16-48-3 and §16-48-6 of said code, all relating to the West Virginia ABLE Act, adding and clarifying definitions to conform to federal law; adding an attorney in fact and a parent to the persons authorized to create or manage a West Virginia ABLE account as permitted by federal law; amending the age of eligible individuals to conform to federal law; clarifying that a guardian may manage an ABLE account regardless of the amount of a designated beneficiary's assets and that the Department of Health and Human Resources may not manage an ABLE account; adding a federal employer identification number to the items required in an application; authorizing the maximum account value to be the value established by the state of the program manager contracting with the Treasurer; clarifying that moneys in a West Virginia ABLE account or a qualified withdrawal are to be disregarded when determining eligibility for or the amount of public assistance unless required by federal law, are not subject to claims by the Department of Health and Human Resources unless required by federal law, and on the death of a designed beneficiary is transferred to the estate of the designated beneficiary unless prohibited by federal law; and authorizes contributions to West Virginia ABLE accounts to be subtracted from federal adjusted gross income for purposes of West Virginia personal income taxes and the recapture of amounts subtracted if account funds are used for purposes other than a qualified disability expenses; and making various technical revisions"; to the Committee on Finance.

**By Delegates Howell, Pack, C. Martin, D. Jeffries, Dean and Hamrick:**

**H. B. 2849** - "A Bill to amend and reenact §30-5-11 and §30-5-12 of the Code of West Virginia, 1931, as amended, all relating to establishing different classes of pharmacy technicians; establishing an application process for a registered pharmacy technician to obtain an endorsement as a pharmacy technician; establishing an application process for a nuclear pharmacy technician endorsement; expanding the scope of practice for a registered pharmacy technician endorsement; and defining the scope of practice for a nuclear pharmacy technician endorsement"; to the Committee on Health and Human Resources.

**By Delegates Porterfield, Linville, J. Jeffries, Kessinger, Cadle, Paynter, Cooper and Foster:**

**H. B. 2850** - “A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to qualifications for commercial driver’s license; and providing that a commercial license instruction permit may be issued to persons 18 years of age who have held a graduated Class E, Class E or Class D license for at least one year”; to the Committee on Technology and Infrastructure then Government Organization.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for H. B. 2607**, Relating to the licensure of nursing homes; 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. 69**), 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: Byrd, Kump, Longstreth, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2607) 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. 2612**, Proposing rules related to the completion or updating of source water protection plans; on third reading, coming up in regular order, was read a third time.

Delegate Hansen requested to be excused from voting on the passage of Com. Sub. for H. B. 2612 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. 70**), 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: Byrd, Kump, Longstreth, Skaff and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2612) 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. 268**, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 269**, Updating terms used in WV Personal Income Tax Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2004**, Providing for a program of instruction in workforce preparedness; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page three, line twenty-five, after the period, by inserting the following:

**“ARTICLE 21A. CAREER AND TECHNICAL EDUCATION  
PILOT PROGRAM FOR MIDDLE SCHOOL STUDENTS.”**

#### **§18-21A-1. Short title.**

This article may be cited as the ‘Middle School Technical Education Program Act’ or the ‘Middle School STEP Act.’

**§18-21A-2. Legislative findings.**

(a) Career and technical education prepare students to be both college and career ready by providing core academic, technical and employability skills.

(b) High-quality career and technical education programs not only ensure that coursework is aligned with rigorous academic standards and post-secondary expectations, but are built to address specific skills needed in certain career pathways.

(c) Eighty percent of students taking a college preparatory academic curriculum with rigorous career and technical education courses met college and career readiness goals, compared to only 63 percent of students taking the same academic core who did not experience rigorous career and technical education courses.

(d) Furthermore, a 2008 study from American College Testing showed that if students are not on target for college and career readiness by the end of eighth grade the impact may be nearly irreversible. The level of academic achievement that students attain by eighth grade has a larger impact on their college and career readiness by the time they graduate from high school than any other academic factor.

(e) Given the importance of career and technical education programs in fostering college and career readiness, and the determinative impact that eighth grade achievement has on future academic and professional success, it is essential that middle school students are informed about and prepared to take advantage of career and technical education programs in their local communities.

**§18-21A-3. Purpose.**

The purpose of the pilot program shall be to better prepare seventh and eighth grade students to take advantage of West Virginia's Career and Technical Education programs and to improve students' college and career readiness prior to high school. For the purposes of this article, 'middle school' means any school containing the seventh and eighth grade levels.

**§18-21A-4. Organization of special pilot program.**

(a) *Funding.* — Participating middle schools shall use existing resources to implement the pilot program.

(b) *Instructor Qualifications.* — Qualified instructors include, but are not limited to, teachers, counselors and other middle school staff possessing a post-secondary degree. Instructors are not required to obtain any additional certification or license to instruct the course. Nothing in this article or chapter 18A-1- et seq. of this code prohibits principals, vice-principals or other county board of education employees, on a voluntary basis, from participating in the program as a guest instructor or speaker.

(c) *Elective Course.* — The pilot program shall be a one semester elective course: *Provided*, That middle schools with alternative scheduling systems may adapt the program to suit their scheduling needs.

(d) *Local Partners.* — High schools, vocational schools, community colleges, public universities and any other institute of higher learning that receives funding from the State of West Virginia shall provide speakers to participating middle schools upon the middle school's request: *Provided*, That the entity providing the speaker is located within 50 miles of the requesting middle school.

**§18-21A-5. Curriculum.**

(a) *Guest Speakers.* — Course instructors shall schedule weekly guest speakers to introduce students to a particular career and to prepare students to pursue the featured career by providing relevant information on:

- (1) Education requirements;
- (2) Cost of education;
- (3) Availability of education;
- (4) Average salary;



(5) Average longevity; and

(6) Transferability of skills.

Instructors are encouraged to invite professionals excelling in fields where training is available at the local career and technical education school.

(b) *On-Site Research.* — Instructors may organize field trips to visit local employers, job fairs, high schools, vocational schools, community colleges, technical schools, public and private universities, and other post-secondary academic institutions to introduce students to potential career paths via on-site presentations and experiential learning.

(c) *Career Skills.* — The course shall include instruction on skill sets required to discover and take advantage of employment opportunities, including, but not limited to:

(1) Performing a job search;

(2) Developing a résumé;

(3) Preparing for a job interview; and

(4) Developing and deploying personal networks to find job opportunities.

(d) *Academic Skills.* — The course shall include instruction on skill sets required to discover and take advantage of educational opportunities, including, but not limited to:

(1) Researching admissions requirements for vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(2) Researching employment rates and average salaries for graduates of vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(3) Researching employment rates and average salaries for specific degrees, certifications and majors from post-secondary academic institutions;

(4) Researching state, federal and private scholarship and grant opportunities; and

(5) Preparing a college or technical school application.

(e) *Personal Graduation Plan.* – For successful completion of the course, a student shall create a ‘Personal Graduation Plan’ outlining his or her plan to become employable following high school or post-secondary school.

#### **§18-21A-6. Admission process for middle schools.**

(a) *Authority.* — The state board shall establish guidelines for middle schools to submit a request for the school’s admission in the pilot program and the state board may admit middle schools into the pilot program.

(b) *Admissions.* — Middle schools may volunteer to implement the program by submitting a request to the state board and admission shall be on a first-come, first-serve basis.

(c) *Minimum School Participation.* — It is the goal of the pilot program that a minimum of 10 middle schools participate each year during the pilot program’s existence. If 10 middle schools have not been admitted into the program by July 1 preceding the academic year, the state board may solicit additional middle schools to participate in the pilot program to meet the minimum participation goal, but may not require the participation of any middle school.

#### **§18-21A-7. Certification and monitoring.**

(a) *Certificate of Completion.* — Students shall receive a West Virginia STEP Certificate verifying their participation in the pilot program upon successful completion of the course.

(b) *Monitoring.* — The state board shall report to the Legislative Oversight Commission on Education Accountability

each year on the graduation, post-secondary participation, and to the extent practicable, job placement rates, in the aggregate, of students that have received a West Virginia STEP Certificate following successful completion of the pilot program.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 71**), and there were—yeas 39, nays 56, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowe, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd, Kump, Longstreth, Skaff and Storch.

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

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program; on second reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

**Com. Sub. for H. B. 2420**, Establishing the Mountaineer Trail Network Recreation Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2666**, Supplemental appropriation to the Department of Veterans' Assistance; on second reading, coming up in regular

order, was read a second time and ordered to engrossment and third reading.

**H. B. 2668**, Supplemental appropriation to the Department of Administration, Public Defender Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

#### **First Reading**

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

**Com. Sub. for H. B. 2490**, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades,

**H. B. 2691**, Providing that a license to carry a concealed deadly weapon expires on the holder's birthday,

And,

**Com. Sub. for H. B. 2779**, Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund.

#### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Kump, Longstreth, Skaff and Storch.

#### **Miscellaneous Business**

Pursuant to House Rule 132, unanimous consent was requested and obtained to print the remarks of Delegates Graves, Hansen, Hornbuckle, Miley, Pushkin and C. Thompson during Remarks by Members in the Appendix to the Journal.

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

- Delegate Cooper for H. B. 2662 and H. B. 2824

- Delegate Sypolt for H. B. 2736

Pursuant to House Rule 94b, Delegate Paynter filed a form with the Clerk's Office to be removed as a cosponsor of H. B. 2425.

At 12:21 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 5, 2019.



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Tuesday, February 5, 2019

**TWENTY-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 Monday, February 4, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2528**, Relating to employees of the Commissioner of Agriculture,

And,

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

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. 2392**, Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events,

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

**Com. Sub. for H. B. 2392** - “A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-11a of said code, to amend said code by adding thereto a new section, designated §11-16-11b; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to the Alcohol Beverage Control Commissioner; permitting licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to serve complimentary samples of nonintoxicating beer or nonintoxicating craft beer manufactured in the State of West Virginia; removing restrictions on Class A retail licensees’ ability to serve complimentary nonintoxicating beer samples to customers; permitting the commissioner to issue special one-day licenses for the retail sale of nonintoxicating beer and alcoholic liquors to a duly organized nonprofit corporation, limited liability entity or an association having received federal tax-exempt status, when raising money for artistic, athletic, charitable, educational or religious purposes,”

And,

**H. B. 2601**, Relating to the review and approval of state property leases,

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

**Com. Sub. for H. B. 2601** - “A Bill to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-10-12, all relating to the real estate division; requiring the review and approval of grounds, buildings, office and other space leases;



and providing for review and approval of leasing grounds, buildings, office and other space to nongovernmental entities,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2545**, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee,

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

**Com. Sub. for 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 Purple Heart, Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal medals from payment of the vehicle registration fee for West Virginia residents under defined circumstances,”

And,

**H. B. 2737**, Relating to training of State Tax Division employees,

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

**Com. Sub. for H. B. 2737** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-1b, relating to providing training for State Tax Division employees,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2546**, Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity,

And,

**S. B. 354**, Expiring funds to balance of Auditor's Office - Chief Inspector's Fund,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2390**, Exempting from certain contract and common carrier laws motor vehicles used exclusively in the transportation of railroad personnel,

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. 2390) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2850**, Relating to qualifications for commercial driver's license,

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. 2850) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2012**, Establishing country roads accountability and transparency,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2012) was referred to the Committee on Government Organization.

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

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

**H. B. 2720**, Authorizing certain investigators and first responders to carry firearms,

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. 2720) was referred to the Committee on the Judiciary.

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

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

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

And,

**H. B. 2729**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

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. 2439 and H. B. 2729) were each referred to the Committee on Government Organization.

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. 2740**, Barring a parent from inheriting from a child in certain instances,

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

**Com. Sub. for H. B. 2740** - "A Bill to amend and reenact §42-1-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §42-1-11 and §42-1-12, all relating to inheritance; barring a parent from inheriting from or through a child of the parent in certain instances; and permitting a child to inherit from a parent in certain instances,"

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. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation,

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

**Com. Sub. for H. B. 2365** - "A Bill to amend and reenact §21A-1A-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-1a of said code, relating to the definition of employee for the purposes of the unemployment compensation and workers compensation laws,"

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. 2746**, Relating to administration of estates,

**H. B. 2759**, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration,

And,

**H. B. 2815**, Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny,

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

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2716**, Relating to motorboat lighting and equipment requirements,

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. 2716) was referred to the Committee on Government Organization.

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2709**, Relating to hunting licenses,

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. 2709) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

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

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. 2663) was referred to the Committee on Government Organization.

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. 2554**, Relating to transfers and enrollment policies for students in public schools,

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

**Com. Sub. for 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, relating to transfers and enrollment policies for students in public schools,"

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

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

**H. B. 2351**, Relating to regulating prior authorizations.

Delegate Summers moved that the House concur in the following amendment by the Senate, with further amendment:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY  
OF THE GOVERNOR, SECRETARY OF STATE, AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES  
INSURANCE ACT.**

**§5-16-7f. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) Episode of Care means a specific medical problem, condition, or specific illness being managed across a continuum of care and includes tests and procedures initially requested, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed will require a separate prior authorization.

(2) National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services (HHS). Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by HHS;

(3) Prior Authorization means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurers are required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on their webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;



(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurers require plan members to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurers shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurers are currently accepting electronic prior authorization requests, the health insurers shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making

routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the request is received by the practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurers shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests a peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(k) If the approval of a prior authorization requires a medication substitution, the substituted medication must be of an equivalent medication class.

(l) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption will be reviewed prior to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(m) The health insurers must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurers are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurers shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(n) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(o) The Department of Health and Human Resources shall have sole authority to enforce the provisions of this section as it relates to medical services paid for by managed care organizations pursuant to a contract with the department to provide medical services: *Provided*, That the requirements in this subsection shall be expressly memorialized in such contract.

(p) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## CHAPTER 33. INSURANCE.

### ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

#### **§33-15-4s. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) Episode of Care means a specific medical problem, condition, or specific illness being managed across a continuum of care and includes tests and procedures initially requested, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed will require a separate prior authorization.

(2) National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services (HHS). Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by HHS;

(3) Prior Authorization means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurers are required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be

placed in an easily identifiable and accessible place on their webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurers require plan members to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurers shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurers are currently accepting electronic prior authorization requests, the health insurers shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the

electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the request is received by the practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurers shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests a peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director

has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(k) If the approval of a prior authorization requires a medication substitution, the substituted medication must be of an equivalent medication class.

(l) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption will be reviewed prior to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(m) The health insurers must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurers are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurers shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(n) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(o) The Department of Health and Human Resources shall have sole authority to enforce the provisions of this section as it relates to medical services paid for by managed care organizations pursuant to a contract with the department to provide medical services: *Provided*, That the requirements in this subsection shall be expressly memorialized in such contract.

(p) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

### **§33-16-3dd. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) Episode of Care means a specific medical problem, condition, or specific illness being managed across a continuum of care and includes tests and procedures initially requested, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed will require a separate prior authorization.

(2) National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services (HHS). Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by HHS;



(3) Prior Authorization means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b)The health insurers are required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on their webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurers require plan members to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurers shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurers are currently accepting electronic prior

authorization requests, the health insurers shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the request is received by the practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurers shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests a peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(k) If the approval of a prior authorization requires a medication substitution, the substituted medication must be of an equivalent medication class.

(l) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption will be reviewed prior to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(m) The health insurers must accept and respond to electronically submitted prior authorization requests for pharmacy

benefits by July 1, 2020, or if the health insurers are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurers shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(n) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(o) The Department of Health and Human Resources shall have sole authority to enforce the provisions of this section as it relates to medical services paid for by managed care organizations pursuant to a contract with the department to provide medical services: *Provided*, That the requirements in this subsection shall be expressly memorialized in such contract.

(p) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.**

### **§33-24-7s. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) Episode of Care means a specific medical problem, condition, or specific illness being managed across a continuum of care and includes tests and procedures initially requested, excluding out of network care; *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed will require a separate prior authorization.

(2) National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services (HHS). Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by HHS;

(3) Prior Authorization means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurers are required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on their webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment and anything else for which the health insurer requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurers require plan members to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurers shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurers are currently accepting electronic prior authorization requests, the health insurers shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the request is received by the practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurers shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests a peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(k) If the approval of a prior authorization requires a medication substitution, the substituted medication must be of an equivalent medication class.

(l) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption will be reviewed prior

to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(m) The health insurers must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurers are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurers shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(n) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(o) The Department of Health and Human Resources shall have sole authority to enforce the provisions of this section as it relates to medical services paid for by managed care organizations pursuant to a contract with the department to provide medical services: *Provided*, That the requirements in this subsection shall be expressly memorialized in such contract.

(p) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **ARTICLE 25. HEALTH CARE CORPORATIONS.**

### **§33-25-8p. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) Episode of Care means a specific medical problem, condition, or specific illness being managed across a continuum of



care and includes tests and procedures initially requested, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed will require a separate prior authorization.

(2) National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services (HHS). Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by HHS;

(3) Prior Authorization means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b)The health insurers are required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on their webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurers require plan members to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer

and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurers shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurers are currently accepting electronic prior authorization requests, the health insurers shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from

the time the request is received by the practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurers shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests a peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(k) If the approval of a prior authorization requires a medication substitution, the substituted medication must be of an equivalent medication class.

(l) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer

shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption will be reviewed prior to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(m) The health insurers must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurers are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurers shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(n) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(o) The Department of Health and Human Resources shall have sole authority to enforce the provisions of this section as it relates to medical services paid for by managed care organizations pursuant to a contract with the department to provide medical services: *Provided*, That the requirements in this subsection shall be expressly memorialized in such contract.

(p) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

**ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.****§33-25A-8s. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) Episode of Care means a specific medical problem, condition, or specific illness being managed across a continuum of care and includes tests and procedures initially requested, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed will require a separate prior authorization.

(2) National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services (HHS). Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by HHS;

(3) Prior Authorization means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurers are required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on their webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for

including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurers require plan members to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurers shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurers are currently accepting electronic prior authorization requests, the health insurers shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the request is received by the practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurers shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests a peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(k) If the approval of a prior authorization requires a medication substitution, the substituted medication must be of an equivalent medication class.

(l) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption will be reviewed prior to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(m) The health insurers must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurers are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurers shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(n) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(o) The Department of Health and Human Resources shall have sole authority to enforce the provisions of this section as it relates to medical services paid for by managed care organizations pursuant to a contract with the department to provide medical services: *Provided*, That the requirements in this subsection shall be expressly memorialized in such contract.

(p) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax."



And by amending the title of the bill to read as follows:

**H. B. 2351** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-4s; to amend said code by adding thereto a new section, designated §33-16-3dd; to amend said code by adding thereto a new section, designated §33-24-7s; to amend said code by adding thereto a new section, designated §33-25-8p; and to amend said code by adding thereto a new section, designated §33-25A-8s, all relating to requiring health insurers to develop prior authorization forms and portals; adding definitions; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; establishing form requirements; providing for a provision for an incomplete submission; providing for an audit; granting enforcement powers to the Department of Health and Human Resources; setting forth peer review procedures; providing for mandatory medication provisions upon discharge; requiring an exemption for health care practitioners meeting specified criteria; requiring certain information to be included on the health insurer’s web page and the form; establishing deadlines and submission format for pharmacy benefits; setting forth an effective date; providing for implementation applicability; and setting deadlines.”

On motion of Delegate Summers, the House concurred in the Senate amendment with further amendment, as follows:

On page one of the Senate amendment, by striking out the Senate amendment and inserting in lieu thereof the following:

**“CHAPTER 5. GENERAL POWERS AND AUTHORITY  
OF THE GOVERNOR, SECRETARY OF STATE, AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES  
INSURANCE ACT.****§5-16-7f. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

‘Episode of Care’ means a specific medical problem, condition, or specific illness being managed including tests, procedures and rehabilitation initially requested by health care practitioner, to be performed at, the site of service, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed may require a separate prior authorization.

‘National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard’ means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services. Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by the United States Department of Health and Human Services;

‘Prior Authorization’ means obtaining advance approval from the Public Employees Insurance Agency about the coverage of a service or medication.

(b) The Public Employees Insurance Agency is required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on the Public Employees Insurance Agency’s webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and

anything else for which the Public Employees Insurance Agency requires a prior authorization. This list shall delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated at least quarterly to ensure that the list remains current;

(4) Inform the patient if the Public Employees Insurance Agency requires a plan member to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the Public Employees Insurance Agency and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The Public Employees Insurance Agency shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The Public Employees Insurance Agency is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the Public Employees Insurance Agency is currently accepting electronic prior authorization requests, the Public Employees Insurance Agency shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the Public Employees Insurance Agency shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the Public Employees Insurance Agency shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a health care practitioner with knowledge of the patient's medical condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If the information submitted is considered incomplete, the Public Employees Insurance Agency shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the return request is received by the health care practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the Public Employees Insurance Agency wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by the Public Employees Insurance Agency is carried over to all other managed care organizations and health insurers for three months, if the services are provided within the state.

(h) The Public Employees Insurance Agency shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the Public Employees Insurance Agency and the health care practitioner who submitted the prior authorization requests an appeal by peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The Public Employees Insurance Agency's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director

after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) (1) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the health care practitioner shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(2) If the approval of a prior authorization requires a medication substitution, the substituted medication shall be as required under §30-5-1 *et seq.*

(k) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the Public Employees Insurance Agency shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption shall be reviewed prior to renewal. This exemption is subject to internal auditing, at any time, by the Public Employees Insurance Agency and may be rescinded if the Public Employees Insurance Agency determines the health care practitioner is not performing the procedure in conformity with the Public Employees Insurance Agency's benefit plan based upon the results of the Public Employees Insurance Agency's internal audit.

(l) The Public Employees Insurance Agency must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the Public Employees Insurance Agency is currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The Public Employees Insurance Agency shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(n) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **CHAPTER 33. INSURANCE.**

### **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

#### **§33-15-4s. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

‘Episode of Care’ means a specific medical problem, condition, or specific illness being managed including tests, procedures and rehabilitation initially requested by health care practitioner, to be performed at the site of service, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed may require a separate prior authorization.

‘National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard’ means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services. Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by the United States Department of Health and Human Services;

‘Prior Authorization’ means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b)The health insurer is required to develop prior authorization forms and portals and shall accept one prior authorization for an

episode of care. These forms are required to be placed in an easily identifiable and accessible place on its' webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated regularly to ensure that the list remains current;

(4) Inform the patient if the health insurer requires a plan member to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurer shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurer is currently accepting electronic prior authorization requests, the health insurer shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the

electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a health care practitioner with knowledge of the patient's medical would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If the information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the return request is received by the health care practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a health insurer is carried over to all other managed care organizations, health insurers and the, Public Employees Insurance Agency for three months, if the services are provided within the state.

(h) The health insurer shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests an appeal by peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty,



education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) (1) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(2) If the approval of a prior authorization requires a medication substitution, the substituted medication shall be as required under §30-5-1 *et seq.*

(k) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption shall be reviewed prior to renewal. This exemption is subject to internal auditing, at any time, by the health insurer and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(l) The health insurer must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurer is currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurer shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(n) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

### **§33-16-3dd. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

‘Episode of Care’ means a specific medical problem, condition, or specific illness being managed including tests, procedures, and rehabilitation initially requested by the health care practitioner, to be performed at the site of service, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed may require a separate prior authorization.

‘National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard’ means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services. Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by the United States Department of Health and Human Services;

‘Prior Authorization’ means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurer is required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily

identifiable and accessible place on the health insurer's webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment, and anything else for which the health insurer requires prior authorization. This list shall delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated at least quarterly to ensure that the list remains current;

(4) Inform the patient if the health insurer requires a plan member to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurer shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurer is currently accepting electronic prior authorization requests, the health insurer shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the

electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a practitioner with knowledge of the patient's medical condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If the information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the return request is received by the health care practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a managed care organization is carried over to all other managed care organizations for three months if the services are provided within the state.

(h) The health insurer shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests an appeal by peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director

has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to- peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) (1) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(2) If the approval of a prior authorization requires a medication substitution, the substituted medication shall be as required under §30-5-1 *et seq.*

(k) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption shall be reviewed prior to renewal. This exemption is subject to internal auditing by the health insurer at any time and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(l) The health insurer must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurer is currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurer shall accept and respond to prior authorizations though a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(n) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS,  
MEDICAL SERVICE CORPORATIONS, DENTAL  
SERVICE CORPORATIONS, AND HEALTH SERVICE  
CORPORATIONS.**

**§33-24-7s. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

‘Episode of Care’ means a specific medical problem, condition, or specific illness being managed including tests, procedures and rehabilitation initially requested by health care practitioner, to be performed at the site of service, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed may require a separate prior authorization.

‘National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard’ means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services. Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by the United States Department of Health and Human Services;

‘Prior Authorization’ means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurer is required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on health insurer's webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment and anything else for which the health insurer requires prior authorization. This list shall delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated at least quarterly to ensure that the list remains current;

(4) Inform the patient if the health insurer requires a plan member to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurer shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurer is currently accepting electronic prior authorization requests, the health insurer shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a health care practitioner with knowledge of the patient's medical condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If the information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the return request is received by the health care practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a health insurer is carried over to all other managed care organizations and the Public Employees Insurance Agency for three months if the services are provided within the state.

(h) The health insurer shall use national best practice guidelines to evaluate a prior authorization.



(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests an appeal by peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) (1) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(2) If the approval of a prior authorization requires a medication substitution, the substituted medication shall be as required under §30-5-1 *et seq.*

(k) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption shall be reviewed prior to renewal. This exemption is subject to internal auditing, at any time, by the health insurer and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(l) The health insurer must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurer is currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurer shall

accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(n) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **ARTICLE 25. HEALTH CARE CORPORATIONS.**

### **§33-25-8p. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

‘Episode of Care’ means a specific medical problem, condition, or specific illness being managed including tests, ~~and~~ procedures and rehabilitation initially requested by health care practitioner, to be performed at the site of service, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed may require a separate prior authorization.

‘National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard’ means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services. Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by the United States Department of Health and Human Services;

‘Prior Authorization’ means obtaining advance approval from a health insurer about the coverage of a service or medication.

(b) The health insurer is required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on health insurer's webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment and anything else for which the health insurer requires prior authorization. This list shall delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated at least quarterly to ensure that the list remains current;

(4) Inform the patient if the health insurer requires a plan member to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health insurer and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health insurer shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health insurer is required to accept an electronically submitted prior authorization and may not require more than one prior authorization form for an episode of care. If the health insurer is currently accepting electronic prior authorization requests, the health insurer shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health insurer shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health insurer shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a health care practitioner with knowledge of the patient's medical condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If the information submitted is considered incomplete, the health insurer shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the return request is received by the health care practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health insurer wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.

(g) A prior authorization approved by a health insurer is carried over to all other managed care organizations and the Public Employees Insurance Agency for three months if the services are provided within the state.

(h) The health insurer shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health insurer and the health care practitioner who submitted the prior authorization requests an appeal by peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health insurer's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) (1) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(2) If the approval of a prior authorization requires a medication substitution, the substituted medication shall be as required under §30-5-1 *et seq.*

(k) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health insurer shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption shall be reviewed prior to renewal. This exemption is subject to internal auditing, at any time, by the health insurer and may be rescinded if the health insurer determines the health care practitioner is not performing the procedure in conformity with the health insurer's benefit plan based upon the results of the health insurer's internal audit.

(l) The health insurer must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health insurer is currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health insurer shall

accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(n) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.

## **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

### **§33-25A-8s. Prior authorization.**

(a) As used in this section, the following words and phrases have the meanings given to them in this section unless the context clearly indicates otherwise:

‘Episode of Care’ means a specific medical problem, condition, or specific illness being managed including tests, procedures and rehabilitation initially requested by health care practitioner, to be performed at the site of service, excluding out of network care: *Provided*, That any additional testing or procedures related or unrelated to the specific medical problem, condition, or specific illness being managed may require a separate prior authorization.

‘National Council for Prescription Drug Programs (NCPDP) SCRIPT Standard’ means the NCPDP SCRIPT Standard Version 201310 or the most recent standard adopted by the United States Department of Health and Human Services. Subsequently released versions may be used provided that the new version is backward compatible with the current version approved by the United States Department of Health and Human Services;

‘Prior Authorization’ means obtaining advance approval from a health maintenance organization about the coverage of a service or medication.

(b) The health maintenance organization is required to develop prior authorization forms and portals and shall accept one prior authorization for an episode of care. These forms are required to be placed in an easily identifiable and accessible place on health maintenance organization’s webpage. The forms shall:

(1) Include instructions for the submission of clinical documentation;

(2) Provide an electronic notification confirming receipt of the prior authorization request if forms are submitted electronically;

(3) Contain a comprehensive list of all procedures, services, drugs, devices, treatment, durable medical equipment and anything else for which the health maintenance organization requires prior authorization. This list shall also delineate those items which are bundled together as part of the episode of care. The standard for including any matter on this list shall be science-based using a nationally recognized standard. This list is required to be updated at least quarterly to ensure that the list remains current;

(4) Inform the patient if the health maintenance organization require a plan member to use step therapy protocols, as set forth in this chapter. This must be conspicuous on the prior authorization form. If the patient has completed step therapy as required by the health maintenance organization and the step therapy has been unsuccessful, this shall be clearly indicated on the form, including information regarding medication or therapies which were attempted and were unsuccessful; and

(5) Be prepared by October 1, 2019.

(c) The health maintenance organization shall accept electronic prior authorization requests and respond to the request through electronic means by July 1, 2020. The health maintenance organization is required to accept an electronically submitted prior authorization and may not require more than one prior

authorization form for an episode of care. If the health maintenance organization is currently accepting electronic prior authorization requests, the health maintenance organization shall have until January 1, 2020, to implement the provisions of this section.

(d) If the health care practitioner submits the request for prior authorization electronically, and all of the information as required is provided, the health maintenance organization shall respond to the prior authorization request within seven days from the time on the electronic receipt of the prior authorization request, except that the health maintenance organization shall respond to the prior authorization request within two days if the request is for medical care or other service for a condition where application of the time frame for making routine or non-life-threatening care determinations is either of the following:

(1) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; or

(2) In the opinion of a health care practitioner with knowledge of the patient's medical condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(e) If the information submitted is considered incomplete, the health maintenance organization shall identify all deficiencies and within two business days from the time on the electronic receipt of the prior authorization request return the prior authorization to the health care practitioner. The health care practitioner shall provide the additional information requested within three business days from the time the return request is received by the health care practitioner or the prior authorization is deemed denied and a new request must be submitted.

(f) If the health maintenance organization wishes to audit the prior authorization or if the information regarding step therapy is incomplete, the prior authorization may be transferred to the peer review process.



(g) A prior authorization approved by a health maintenance organization is carried over to all other managed care organizations, health insurers and the Public Employees Insurance Agency for three months if the services are provided within the state.

(h) The health maintenance organization shall use national best practice guidelines to evaluate a prior authorization.

(i) If a prior authorization is rejected by the health maintenance organization and the health care practitioner who submitted the prior authorization requests an appeal by peer review of the decision to reject, the peer review shall be with a health care practitioner similar in specialty, education, and background. The health maintenance organization's medical director has the ultimate decision regarding the appeal determination and the health care practitioner has the option to consult with the medical director after the peer-to-peer consultation. Time frames regarding this appeal process shall take no longer than 30 days.

(j) (1) Any prescription written for an inpatient at the time of discharge requiring a prior authorization shall not be subject to prior authorization requirements and shall be immediately approved for not less than three days: *Provided*, That the cost of the medication does not exceed \$5,000 per day and the physician shall note on the prescription or notify the pharmacy that the prescription is being provided at discharge. After the three-day time frame, a prior authorization must be obtained.

(2) If the approval of a prior authorization requires a medication substitution, the substituted medication shall be as required under §30-5-1 *et seq.*

(k) In the event a health care practitioner has performed an average of 30 procedures per year and in a six-month time period has received a 100 percent prior approval rating, the health maintenance organization shall not require the health care practitioner to submit a prior authorization for that procedure for the next six months. At the end of the six-month time frame, the exemption shall be reviewed prior to renewal. This exemption is

subject to internal auditing, at any time, by the health maintenance organization and may be rescinded if the health maintenance organization determines the health care practitioner is not performing the procedure in conformity with the health maintenance organization's benefit plan based upon the results of the health maintenance organization's internal audit.

(l) The health maintenance organization must accept and respond to electronically submitted prior authorization requests for pharmacy benefits by July 1, 2020, or if the health maintenance organization are currently accepting electronic prior authorization requests, it shall have until January 1, 2020, to implement this provision. The health maintenance organizations shall accept and respond to prior authorizations through a secure electronic transmission using the NCPDP SCRIPT Standard ePA transactions.

(m) This section is effective for policy, contract, plans, or agreements beginning on or after January 1, 2020. This section applies to all policies, contracts, plans, or agreements, subject to this article, that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.

(n) The timeframes in this section are not applicable to prior authorization requests submitted through telephone, mail, or fax.”

The bill as amended by the Senate and further amended by the House, was put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 72**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2351) passed.

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

**H. B. 2351** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §33-15-4s; to amend said code by adding thereto a new section, designated §33-16-3dd; to amend said code by adding thereto a new section, designated §33-24-7s; to amend said code by adding thereto a new section, designated §33-25-8p; and to amend said code by adding thereto a new section, designated §33-25A-8s, all relating to prior authorizations; requiring health insurers to develop prior authorization forms; requiring health insurers to develop prior authorization portals; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; establishing form requirements; establishing deadlines for approval of prior authorizations; providing for a process of an incomplete prior authorization submission; providing for an audit; setting forth peer review procedures; requiring health insurers to accept a prior authorization from other health insurers for a period of time; requiring health insurers to use certain standards when reviewing a prior authorization; providing an exemption for medication provide upon discharge; requiring an exemption for health care practitioners meeting specified criteria; requiring certain information to be included on the health insurer’s web page; establishing deadlines for pharmacy benefit prior authorization; establishing submission format for pharmacy benefits; setting forth an effective date; providing for implementation applicability; and setting deadlines.”

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

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. 100** - “A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing a fee added to the usual court costs of all criminal

proceedings; and increasing fee added to the amount of any cash or property bond posted for violation of any criminal law, the proceeds of which are dedicated to the funding of training, professional development, and certification programs for law-enforcement officers and to paying the expenses of the Law-Enforcement Professional Standards Subcommittee”; 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

**S. B. 324** - “A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 324) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 357** - “A Bill to repeal §15-9A-1, §15-9A-2, §15-9A-3, and §15-9A-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-2-1 and §15A-2-3 of said code; and to amend said code by adding thereto two new sections, designated §15A-2-4 and §15A-2-5, all relating to the Division of Administrative Services; designating division as staffing agency for certain agencies; providing that division perform executive and administrative support services for certain agencies; designating the division as the state administrative agency responsible for criminal justice and juvenile justice systems; providing exception; providing that code references to the Division of Justice and Community Services are to be construed as references to Division of Administrative Services; transferring employees of Division of

Justice and Community Services to Division of Administrative Services; enumerating duties of director of division; requiring legislative rulemaking; and providing for posting of human trafficking assistance notices”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 358** - “A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to exempting from the Purchasing Division purchases made by the Director of the Division of Protective Services for equipment to maintain security at state facilities”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 361** - “A Bill to amend and reenact §29-21-6 of the Code of West Virginia, 1931, as amended, relating to Public Defender Services; authorizing the agency’s executive director to establish and operate a habeas division; providing that the executive director or his or her designee shall be the director of the division to represent qualified persons in habeas corpus matters; providing for the representation of eligible clients upon appointment by the circuit courts or the Supreme Court of Appeals; providing for limitations on appointments for conflicts of interest or an excessive caseload; authorizing the executive director to employ attorneys and support staff to perform the duties of the division; and requiring maintenance of client records for record-keeping purposes only”; 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. 369** - “A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating generally to generic drug products; providing definitions; providing that when a pharmacist substitutes a drug the patient shall receive the savings which shall be equal to the difference in acquisition cost of the product prescribed and the acquisition cost of the substituted product; providing an exception for covered individuals; and clarifying that the West Virginia Board of Pharmacy has primary responsibility for enforcement”; which was referred to the Committee on Health and Human Services 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. 373** - “A Bill to amend and reenact §15A-4-11 of the Code of West Virginia, 1931, as amended, relating to the financial responsibility of inmates generally; and authorizing the commissioner of corrections to deduct money from civil judgments and settlements to pay court-ordered obligations prior to depositing such moneys in the inmate’s account”; 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

**S. B. 377** - “A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hours standards for employees; excluding seasonal amusement park workers from maximum hour requirements; and

defining terms”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 389** - “A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to a lawful method for a developmentally disabled person to purchase a base hunting license when that person attends an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate but is unable to successfully complete the required course for the certificate of training; providing that said developmentally disabled person possessing the base hunting license may hunt when accompanied and directly supervised by a person 18 years of age or older; and providing for criminal penalties”; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 398** - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating generally to compensation for judicial officers; providing that senior judges, justices, and magistrates may receive per diem compensation for temporary assignments while receiving retirement benefits, subject to certain limitations; setting forth legislative findings; limiting the per diem rate of compensation that may be paid to senior judges and justices for each day served; providing that the combined total of per diem compensation and retirement benefits paid to a senior judge or justice during a single calendar year may not exceed the annual salary of a sitting circuit judge; providing an exception to the limitation on the combined total of per diem compensation and retirement benefits paid to a senior judge or justice in a calendar

year, if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying that certain circumstances necessitate extended assignment of such judge or justice; requiring that administrative orders regarding extended assignment of a senior judge or justice be submitted to the State Auditor and the State Treasurer; providing that senior judges and justices may be reimbursed for actual and necessary expenses incurred in the performance of their duties; and requiring the State Treasurer to petition the West Virginia Supreme Court of Appeals for a writ of prohibition prohibiting the State Auditor from issuing warrants to authorize payment of compensation to senior judges and justices above statutory limitation on daily rate of per diem compensation”; 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

**S. B. 399** - “A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §50-1-6a of said code, all relating generally to compensation for judicial officers; providing that senior judges, justices, and magistrates may receive per diem compensation for temporary assignments while receiving retirement benefits, subject to certain limitations; limiting the per diem rate of compensation that may be paid to senior magistrates for each day served; providing that the combined total of per diem compensation and retirement benefits paid to a senior magistrate during a single calendar year may not exceed the annual salary of a sitting magistrate; providing an exception to the limitation on the combined total of per diem compensation and retirement benefits paid to a senior magistrate in a calendar year, if the Chief Justice of the Supreme Court of Appeals enters an administrative order certifying that certain circumstances necessitate extended assignment of such senior magistrate; requiring that administrative orders regarding extended assignment of a senior magistrate be submitted to the State Auditor and the State Treasurer; and providing that senior magistrates may be reimbursed for actual and necessary expenses incurred in the



performance of their duties”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 451** - “A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of the West Virginia, 1931, as amended; to amend and reenact §11-8-6f of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated section §18-1-5; to amend and reenact §18-5-16, §18-5-16a, §18-5-18b, §18-5-32, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-45a; to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11, §18-5G-12, §18-5G-13, §18-5G-14, and §18-5G-15; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2, §18-9A-8, §18-9A-9, and §18-9A-12 of said code; to amend and reenact §18-20-5 of said code; to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, §18A-4-9, and §18A-4-10 of said code; to amend said code by adding thereto a new section, designated §18A-4-2d; to amend and reenact §18A-5-2 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4-3 of said code; and to amend and reenact §29-12-5a of said code, all relating generally to comprehensive education reform; providing for payment of bonus for accrued sick leave at retirement; modifying regular levy rates; allowing county boards of education to increase their regular levy rates to the statutory maximum; declaring nonseverability of act; providing that central office administrators,

supervisors, and directors serve at the will and pleasure of the superintendent; authorizing the establishment of charter schools beginning in 2019-2020; establishing charter school employee permissive participation in the Public Employees Insurance Act; establishing charter school employee eligibility for the State Teachers Retirement System and the Teachers' Defined Contribution Retirement System; providing legislative purpose and intent; defining terms; establishing requirements and powers for public charter schools; providing for the creation of governing boards; setting requirements for enrollment in public charter schools; creating process and requirements for application to establish public charter schools; providing duties and responsibilities for authorizers; providing for virtual charter schools; establishing requirements for charter school contracts and the process for renewal, nonrenewal, and revocation of contracts, including required rules by the State Board of Education; creating the West Virginia Charter Public School Commission; establishing membership of the commission; providing for appointment of members; setting meeting requirements; establishing funding for charter school enrollment; creating appeals process for the denial of a charter application, the nonrenewal of a charter contract, or the revocation of a charter contract; creating prohibitions; allowing charter schools access to public facilities; establishing reporting requirements; providing that appropriation will be disbursed to the public charter schools to serve needs of exceptional children; providing for public charter school coverage by the Board of Risk and Insurance Management; creating personal income tax credits for educational expenses incurred by teachers for the purchase of supplementary educational materials or professional development costs; requiring county boards to establish attendance zones; addressing the transfer and enrollment policies for students in public schools; clarifying the employment term for school employees and the applicability to time lost due to a work stoppage or strike; including teacher recommendations in the considerations for student promotion; expanding social and emotional support services provided to students; clarifying the job duties and responsibilities of school counselors; modifying the contact

requirements for a student's guardians upon accrual of unexcused absences; requiring meaningful contact be made with guardians after a student has accrued three and five unexcused absences; specifying that a principal may make meaningful contact with guardians after a student has accrued three unexcused absences; expanding the definition of 'professional student support personnel'; increasing the basic foundation allowance for professional student support personnel; increasing the county allowance for current expenses to 71.25 percent of the county's state average costs per square footage per student for operations and maintenance amount; providing written notice of state Board of Risk and Insurance Management insurance coverage to county board of education insureds; providing that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county's basic foundation program only; enhancing counties' ability to provide additional compensation to teachers; permitting a county board of education to base its employment decisions, transfers, reassignments, reductions in the number of professional personnel, reductions in classroom teaching positions, and reductions in the workforce on an individual's qualifications; setting forth the factors to be considered when determining an individual's qualifications; clarifying payment to teachers and withholdings; enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an Educational Savings Account (ESA); establishing ESA application requirements; defining responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements applicable to education service providers; providing for the responsibilities of resident school districts; addressing legal proceedings; setting local share maximum at 2015-2016 level; increasing salaries for teachers; granting additional experiences for purposes of pay scale to teachers meeting specified requirements; providing additional pay for certain teachers providing math instruction; increasing salaries for service personnel; providing for accrual of personal leave at the end of each pay period; modifying certain student financial aid resources available to students

pursuing public school teaching careers; abolishing the Underwood-Smith Teacher Loan Assistance Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; modifying program purpose to target certain academic disciplines and emphasize the academic distinction of award recipients; modifying award eligibility, renewal, and service agreement criteria to reflect modified program purpose; requiring certain mentoring services be provided to award recipients; preserving eligibility and service agreement criteria for current award recipients; modifying the amount of an award and limiting tuition and fee charges for program recipients; and requiring annual written notice of BRIM insurance coverages by county boards to employee insureds.”

Delegate Sponaugle moved that the bill be postponed indefinitely.

Delegate Summers moved to table the motion.

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

The yeas and nays having been ordered, they were taken (**Roll No. 73**), and there were—yeas 52, nays 44, absent and not voting 4, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the motion to postpone action on the bill indefinitely was laid upon the table.

The Speaker referred the bill to the Committee on Education then Finance.

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. 23** - "Requesting the Division of Highways name bridge number 31-7-7.58 (31A311), locally known as Wana Bridge, carrying WV 7 over West Virginia Fork of Dunkard Creek in Monongalia County, the 'Jeffrey Alan Clovis Memorial Bridge'."

Whereas, Jeffrey Alan Clovis was born January 29, 1968, and was the first child of Donald Charles Clovis and Linda Kay Tucker of Morgantown, West Virginia, and stepson to Donna Clovis and Darrell Tucker; and

Whereas, Jeffrey Alan Clovis was a 1986 graduate of Clay-Battelle High School, a member of the Loyal Order of Moose in Waynesburg, Pennsylvania, and a member of the Kingdom Evangelical Church of Westover, West Virginia; and

Whereas, Jeffrey Alan Clovis was a 27-year veteran towing operator, receiving a certification of achievement from the Towing Recovery Association of America and was certified as a Nationally Certified Master Tower; and

Whereas, Jeffrey Alan Clovis was known for his good nature and ability to make others feel comfortable in any situation while remaining vigilant in his professional responsibilities; and

Whereas, Jeffrey Alan Clovis of Wadestown, West Virginia, tragically lost his life while responding to a service call along Interstate 79 on August 9, 2016; and

Whereas, Jeffrey Alan Clovis shall be remembered on the Wall of Fallen Heroes at the International Towing and Recovery Hall of Fame in Chattanooga, Tennessee; and

Whereas, Jeffrey Alan Clovis is survived by his wife, Sheila Clovis; daughter, Jennifer Clovis; step-daughter, Skyler Johnson; brother, Brent Clovis; and step-sister, Michelle Yost; and

Whereas, It is fitting that an enduring memorial be established to commemorate Jeffrey Alan Clovis and his contributions to our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 31-7-7.58 (31A311), locally known as Wana Bridge, carrying WV 7 over West Virginia Fork of Dunkard Creek in Monongalia County, the “Jeffrey Alan Clovis 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 “Jeffrey Alan Clovis Memorial Bridge”; and, be it

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

## **Special Calendar**

### **Third Reading**

**S. B. 268**, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 74**), and there were—yeas 96, nays none,

absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 268) passed.

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

On this question, the yeas and nays were taken (**Roll No. 75**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 268) takes effect from its passage.

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

**S. B. 269**, Updating terms used in WV Personal Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 76**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 269) passed.

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

On this question, the yeas and nays were taken (**Roll No. 77**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 269) takes effect from its passage.

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

**Com. Sub. for H. B. 2004**, Providing for a program of instruction in workforce preparedness; 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. 78**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2004) 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. 2420**, Establishing the Mountaineer Trail Network Recreation Authority; 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. 79**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:



Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2420) 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. 2666**, Supplemental appropriation to the Department of Veterans' Assistance; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 80**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2666) passed.

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

On this question, the yeas and nays were taken (**Roll No. 81**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2666) 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.

**H. B. 2668**, Supplemental appropriation to the Department of Administration, Public Defender Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 82**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2668) passed.

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

On this question, the yeas and nays were taken (**Roll No. 83**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Kump, Storch and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2668) 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 H. B. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegates Rowe and Robinson, was reported by the Clerk, on page three, section fifteen, line sixty-three, following the dash, by inserting the following:

“(1) The council shall prioritize programs by requiring that, if proper applications are made, resources and funding are directed to the Upper Kanawha Valley communities to support economic development efforts of the Upper Kanawha Valley. The council agencies shall be flexible with regard to the programmatic uses of resources and funding provided that such uses do not violate federal or state laws governing the use of said resources and funding.

(2) The council shall direct the resources of contributing partners, as applicable, to support the Upper Kanawha Valley.”

And renumbering the subsequent subdivisions accordingly.

And,

On page four, section fifteen, lines seventy-six and seventy-seven, by striking out the words “discretionary, noncompetitive”.

Whereupon,

Delegate Robinson asked and obtained unanimous consent that the amendment be withdrawn.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2490**, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2691**, Providing that a license to carry a concealed deadly weapon expires on the holder’s birthday; 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. 2779**, Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund; 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 S. B. 240**, Repealing certain legislative rules no longer authorized or are obsolete,

**Com. Sub. for H. B. 2204**, Prohibiting state licensing boards from hiring lobbyists,

**Com. Sub. for H. B. 2479**, Corporate Governance Annual Disclosure Act,

**Com. Sub. for H. B. 2481**, Permitting retail sale of alcoholic beverages on Sundays after 1 p.m.,

**H. B. 2608**, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks,

And,

**Com. Sub. for H. B. 2686**, Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program.

#### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates N. Brown, Kump, Storch and Worrell.

#### **Miscellaneous Business**

During First Reading, Delegate Pyles was recognized and asked and obtained unanimous consent that he be added as a cosponsor of H. B. 2481.

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

- Delegate Bibby for H. B. 2033
- Delegates Estep-Burton, Mandt and McGeehan for H. B. 2046
- Delegate Pyles for H. B. 2130, H. B. 2729, H. B. 2836 and H. B. 2846
- Delegate Wilson for H. B. 2708
- Delegates Harshbarger and Mandt for H. B. 2740
- Delegate Phillips for H. B. 2805

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

- All Members during Remarks by Members
- Delegate Sponaugle regarding the motion to postpone indefinitely Com. Sub. for S. B. 451

At 12:29 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 6, 2019.



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Wednesday, February 6, 2019

## TWENTY-NINTH 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 Tuesday, February 5, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

### Committee Reports

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. 2468**, Department of Agriculture Capital Improvements Fund,

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

**Com. Sub. for H. B. 2468** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the 'Department of Agriculture Capital Improvements Fund'; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating certain deposits in the General Revenue Account; permitting deposits into certain funds; and making technical corrections,"

With the recommendation that the committee substitute do pass.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2438**, Relating generally to survivor benefits for emergency response providers,

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. 2438) was referred to the Committee on Finance.

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2715**, Relating to Class Q special hunting permit for disabled persons,

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. 2715) was referred to the Committee on the Judiciary.

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

Your Committee on Industry and Labor has had under consideration:



**H. B. 2441**, Removing certain requirements related to wages for construction of public improvements,

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. 2441) was referred to the Committee on the Judiciary.

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

Your Committee on Industry and Labor has had under consideration:

**H. C. R. 25**, Requesting the Joint Committee on Government and Finance study the discrepancy between estimates and actual readings of electrical meters,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 25) was referred to the Committee on Rules.

Delegate Capito, from 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 5<sup>th</sup> day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**Com. Sub. for S. B. 17**, Relating to probation eligibility,

**S. B. 119**, Specifying documents not subject to discovery in certain proceedings,

And,

**S. B. 272**, Updating code relating to Commission on Special Investigations.

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. 2809**, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area,

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

**Com. Sub. for H. B. 2809** - "A Bill to amend and reenact §20-14-8 of the Code of West Virginia, 1931, as amended, relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; increasing fines for persons who do not remain within and on a designated and marked trail within the Hatfield-McCoy Recreation Area; and increasing fines for persons who do not remain within and on a designated and marked trail within the Hatfield-McCoy Recreation Area and cause property damage to a landowner's property outside the designated and marked trails or interfere with a landowner's or lawful possessor's use of property outside the designated and marked trails within the Hatfield-McCoy Recreation Area,"

With the recommendation that the committee substitute do pass.

Delegate Hollen, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 2739**, Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board,

**H. B. 2743**, Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment,

And,

**H. B. 2780**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System,

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. 2739, H. B. 2743 and H. B. 2780) were each referred to the Committee on Finance.

Delegate Hollen, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

**H. B. 2738**, Authorizing prepayment of certain required payments into a policemen's pension and relief fund or a firemen's pension and relief fund,

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. 2738) was referred to the Committee on Finance.

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

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

**H. B. 2583**, Family Planning Access Act,

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

**Com. Sub. for H. B. 2583** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5 and §16-56-6, all relating to permitting a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription drug order; defining terms; providing certain authority to the State Health Officer; clarifying that certain federal requirements are applicable; establishing protocol to be followed; requiring the pharmacist to be trained; providing guidelines to dispensing; and clarifying that the Board of Pharmacy regulates the actions of pharmacist acting under this article,”

With the recommendation that the committee substitute do pass.

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. 2661**, Relating to natural gas utilities,

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

**Com. Sub. for H. B. 2661** - “A Bill to amend and reenact §24-2-4c of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-3-7 of said code, all relating to the powers of the Public Service Commission and the regulation of natural gas utilities; permitting a natural gas utility to make a request for proposal for incentivized gas drilling where dependable, lower-priced supplies of natural gas are not readily available; permitting the natural gas utility to recover certain costs; and permitting a natural gas utility to recover costs reasonably necessary to convert some customers to alternate fuel sources when gas service to that customer has been or is to be abandoned,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Energy has had under consideration:

**Com. Sub. for S. B. 223**, Authorizing Department of Commerce promulgate legislative rules,

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 (Com. Sub. for S. B. 223) was referred to the Committee on the Judiciary.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 27**, Removing restrictions on where certain traditional lottery games may be played.

### **Resolutions Introduced**

Delegates Anderson, J. Kelly, Harshbarger, Miley, Nelson, Hanshaw (Mr. Speaker), Paynter, J. Jeffries, Tomblin, Evans, Pethtel, Atkinson, Azinger, Bibby, Boggs, Butler, Cadle, Capito, Criss, Fast, Foster, Hamrick, Hanna, Hardy, Hartman, Hicks, Higginbotham, Hollen, Hornbuckle, Hott, Householder, Jennings, D. Kelly, Kessinger, Linville, Mandt, C. Martin, P. Martin, Maynard, Phillips, Porterfield, Queen, Rohrbach, Rowan, Shott, Steele, Storch, Sypolt and Waxman offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 11** - "Recognizing the importance of the Atlantic Coast Pipeline."

Whereas, The Atlantic Coast Pipeline and others are critical to the economic and energy future of the State of West Virginia,

providing our state's natural gas production with unprecedented access to new markets; and

Whereas, Studies indicate construction and operation of the Atlantic Coast Pipeline alone will generate massive economic benefits for West Virginia, including almost \$478 million in additional economic activity during the construction period and more than \$15 million in additional economic activity each year after the facility begins operating; and

Whereas, The Atlantic Coast Pipeline and others will create thousands of new job opportunities for the working men and women of West Virginia and significant new tax revenues for many West Virginia counties; and

Whereas, The Atlantic Coast Pipeline and others will help promote our nation's energy independence, helping make the burgeoning natural gas production in West Virginia and adjacent states more available to millions of consumers and reducing the need for energy imports; and

Whereas, The Atlantic Coast Pipeline's environmental impact has been repeatedly and thoroughly analyzed by state and federal agencies, including the West Virginia Department of Environmental Protection, the Federal Energy Regulatory Commission, and the U. S. Forest Service, among others, with all of the agencies finding that the project can be built and operated in a manner that protects the natural resources of West Virginia and the other states in its path; and

Whereas, Despite the enormous energy and economic benefits, as well as the positive findings from a broad range of environmental regulatory agencies, some groups have launched an all-out assault on the Atlantic Coast Pipeline project, with the ultimate aim of forcing its cancelation; and

Whereas, These attacks are not based on the facts regarding the Atlantic Coast Pipeline but are part of what the U. S. Chamber of Commerce describes as a nationwide "keep it in the ground"

strategy by some groups to end all uses of fossil fuels in power generation; and

Whereas, These unwarranted attacks have resulted in regulatory and legal proceedings that have repeatedly delayed both the Atlantic Coast Pipeline and the related Supply Header Project; and

Whereas, In response to court orders stemming from these attacks, the Atlantic Coast Pipeline and Supply Header Project have been forced to lay off or delay hiring thousands of skilled construction workers in West Virginia and also in Pennsylvania, Ohio, Virginia and North Carolina, posing significant hardships for working families and depriving them of paychecks and steady work; and

Whereas, The U. S. Chamber of Commerce report estimates that these delays, through August 2018, have already resulted in the loss of \$2.3 billion in the U. S. Gross Domestic Product as well as \$500 million in lost tax revenue for U. S. states and localities; and

Whereas, The Chamber's study also found that the delays have already deprived U. S. consumers of \$377 million in energy cost savings; and

Whereas, The General President of the Laborers' International Union of North America (LIUNA) recently said obstructions to the Atlantic Coast Pipeline and other vital energy infrastructure "from activist groups is costing our members jobs and the entire country opportunities"; and

Whereas, The LIUNA General President also emphasized that the economic damage caused by this opposition to new energy projects is "being shouldered by the hardworking men and women who build our nation's energy infrastructure"; and

Whereas, These assaults and delaying tactics are also a direct threat to West Virginia's energy production industry, which directly employs more than 22,000 men and women and pays more than \$6 billion in wages annually; and

Whereas, Although the current employment and payroll figures are impressive, further growth will be severely hampered unless new infrastructure such as the Atlantic Coast Pipeline and other pipelines are built to transport West Virginia's energy production to market; and

Whereas, In addition to this economic damage, the attacks on the Atlantic Coast Pipeline and other interstate natural gas projects have great potential to harm the environment, since other forms of electric generation powered by fossil fuels, such as natural gas, are needed to back up the expansion of the intermittent generation from renewable resources such as solar and wind energy; therefore, be it

*Resolved by the House of Delegates:*

That we, the members of the House of Delegates of the 84<sup>th</sup> Legislature of the State of West Virginia, categorically condemn these counterproductive and economically damaging assaults on the Atlantic Coast Pipeline and other urgently needed energy infrastructure projects; and, be it

*Further Resolved,* That we note that these attacks are denying steady employment and income to thousands of West Virginia workers and their families who would otherwise be employed in the construction and operation of the Atlantic Coast Pipeline and the related Supply Header Project; and, be it

*Further Resolved,* That we find that the attacks are also damaging West Virginia's energy production industry, the source of more than \$6 billion annually in wages to our state's working men and women; and, be it

*Further Resolved,* That we find that the assaults on these projects have great potential to damage the environment by hindering the deployment of electric generation powered by solar power, wind and other renewable resources, all of which must be backed up with fossil fuel powered generation, such as natural gas; and, be it

*Further Resolved,* That we strongly urge the groups spearheading these assaults to stop their attacks and delaying



actions and in the process help pave the way for a cleaner and stronger energy future for West Virginia and for the entire nation; and, be it

*Further Resolved*, That the Clerk transmit copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the members of the West Virginia Congressional delegation, and the news media of West Virginia.

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

**H. R. 12** - "Urging the House of Delegates to adopt articles of impeachment to impeach Jim Justice, Governor of West Virginia, for maladministration, incompetence, corruption, and neglect of duty."

Whereas, Under Section 9, Article IV of the Constitution of the State of West Virginia, the House of Delegates has the authority to adopt articles of impeachment against Jim Justice, Governor of West Virginia, for maladministration, incompetence, corruption, and neglect of duty committed in his capacity and by virtue of his office as the Governor of West Virginia; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates is urged to adopt articles of impeachment against Jim Justice, Governor of West Virginia, for maladministration, incompetence, corruption, and neglect of duty; and, be it

*Further Resolved*, That a committee of five members of the House of Delegates be formed to act as managers on the part of the House of Delegates to carry and deliver to the Clerk of the Senate the articles of impeachment; and, be it

*Further Resolved*, That following the adoption of articles of impeachment the said committee of five, as managers, be and is hereby directed to conduct the impeachment against the said Jim

Justice, Governor of West Virginia, before the Senate, in accordance with procedural rules adopted by the Senate, with all necessary assistance as may be required and provided by employees of the House or Senate and by such professional, clerical and stenographic assistants as may be engaged by the House or Senate for such purposes.

Delegates Kessinger, Capito, Hanshaw (Mr. Speaker), Barrett, Bates, Bibby, Byrd, Cadle, Campbell, Cooper, Criss, Dean, Ellington, Espinosa, Fast, Fleischauer, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, Kump, Lavender-Bowe, Linville, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, Nelson, Pack, Phillips, Porterfield, Robinson, Rohrbach, Rowan, Shott, Steele, Storch, Summers, Sypolt, Toney, Waxman and Worrell 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. 50** - “Urging the United States Congress to designate the New River Gorge National River in West Virginia a national park.”

Whereas, On October 2, 2018 West Virginia Senator Shelley Moore Capito introduced a bill, the New River Gorge National Park Designation Act, that would make the New River Gorge National River the New River Gorge National Park; and

Whereas, The New River Gorge National River has been a unit of the National Park Service since its creation in 1978; and

Whereas, The re-designation as a national park would not change the way the 72,808-acre preserve of canyons, cliffs, forested plateaus and whitewater rapids is currently managed, with hunting, rafting, fishing, bicycling and Bridge Day BASE-jumping that are permitted as “traditional” uses of the land; and

Whereas, The move to re-designate the Gorge as a national park was initiated by a group of whitewater outfitters, who saw the name change as a way to give the preserve a higher profile and

attract more visitors, at virtually no cost, due to the National Park “brand” as an outdoor destination of choice; and

Whereas, In introducing the bill Senator Capito stated, “The New River Gorge is a special part of West Virginia and a real source of pride for our state. Whether it’s cheering on the BASE jumpers at Bridge Day, experiencing the thrill of world-class whitewater rafting, or taking in the beautiful panoramic views, the New River Gorge provides unlimited opportunities for thousands of visitors each year”; and

Whereas, A study completed in May of 2018 for a proposal to re-designate New Mexico’s White Sands National Monument as a national park showed that eight former national monuments that had become national parks during the previous five years had experienced average increases in visitors of 21 percent; and

Whereas, Senator Capito further said, “Re-designating the national river as a national park will shine a light on the New River Gorge and its many offerings to help drive tourism and spur the local and regional economy”; and

Whereas, While national monuments may be become national parks through presidential designation, it takes an act of Congress to bring national park status to national rivers; and

Whereas, Due to its unique geology and its significance to the State of West Virginia and the nation, the New River Gorge National River warrants elevation to the status, protections and impact to the local economy that being designated a national park brings to it; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges the United States Congress to designate the New River Gorge National River in West Virginia the New River Gorge National Park; and, be it

*Further Resolved,* That the Clerk of the House of Delegates forward a copy of this resolution to the representatives and senators

elected by the citizens of West Virginia in the Congress of the United States in Washington, D.C.

Delegates Rodighiero, Tomblin, Maynard, Hicks and Miller offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 51** - "Requesting the Division of Highways name a portion of Route 7/1, Dog Fork Road, beginning at MP 0.00 and ending at MP 0.25, in Boone County, the 'U.S. Army PFC Glenn S. Perdue, U.S. Army TEC 5 Charley H. Perdue and U.S. Army Air Corps SGT Carl C. Perdue Memorial Road'."

Whereas, Private First Class Glenn Perdue, Technician 5<sup>th</sup> Grade Charley Perdue and Sergeant Carl Perdue were brothers born in Boone County, and who served in the U.S. Army in Europe at the same time during World War II; and

Whereas, Private Glenn Perdue was born on June 15, 1917, and died on December 9, 1999; and

Whereas, Private Glenn Perdue entered the U.S. Army on April 8, 1942, and was honorably discharged on October 30, 1945; and

Whereas, Private Glenn Perdue served in the 512<sup>th</sup> Military Police Battalion and was part of the following battles and campaigns: Normandy Northern France, Ardennes, Rhineland and Central Europe; and

Whereas, Private Glenn Perdue received the American Theater Service Ribbon, the European African Middle Eastern Service Ribbon, the Good Conduct Medal, the Meritorious Unit Award and Victory Ribbon. Private Perdue also qualified as a Marksman 03, M-1 Rifle and Rifle Carbine; and

Whereas, Private Glenn Perdue married Mary Stollings Perdue, now deceased, and had four children, Roger, John, Judy and Steve, five grandchildren and three great-grandchildren; and

Whereas, Private Glenn Perdue was owner and operator of Perdue Grocery, worked at the Logan Planning Mill and the Boone County Commission. He was also a member of VFW Post 5578 and the 512<sup>th</sup> Military Police Battalion Reunion; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue was born on August 29, 1919, and died on August 16, 1988; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue entered the U.S. Army on October 8, 1941, and was honorably discharged on November 28, 1945; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue served in Reconnaissance Company, 2<sup>nd</sup> Armored Regiment, and was part of the following battles and campaigns: Ardennes, Rhineland and Central Europe; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue received the American Defense Service Medal, the American Theater Service Ribbon, the European African Middle Eastern Service Ribbon, the Good Conduct Medal with Clasp and the World War II Victory Ribbon. He also was qualified as a Marksman M-1 Rifle, Sharpshooter LMG and Sharpshooter Carbine; and

Whereas, Technician 5<sup>th</sup> Grade Charley Perdue was married to Marie Burton Perdue, now deceased; and

Whereas, After the service, Technician 5<sup>th</sup> Grade Charley Perdue was a school bus driver for Boone County schools and a member of VFW Post 5578; and

Whereas, Sergeant Carl Perdue was born on May 13, 1921, and died on September 3, 1986; and

Whereas, Sergeant Carl Perdue entered the U.S. Army on August 18, 1942, and was honorably discharged on October 29, 1945; and

Whereas, Sergeant Carl Perdue served with the Army Air Force Unit and was awarded the European-African-Middle Eastern

Ribbon, the Distinguished Unit Badge and the Good Conduct Medal; and

Whereas, After the service, Sergeant Carl Perdue worked with the Mootz Sunbeam Bakery and Frito Lay; and

Whereas, It is a fitting and well-deserved tribute that a portion of the road where the Perdue family farm once stood be named for these three brothers who so honorably and faithfully served their country, state and community during World War II; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of Route 7/1, Dog Fork Road, beginning at MP 0.00 and ending at MP 0.25, in Boone County, the “U.S. Army PFC Glenn S. Perdue, U.S. Army TEC 5 Charley H. Perdue and U.S. Army Air Corps SGT Carl C. Perdue Memorial Road”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that road as the “U.S. Army PFC Glenn S. Perdue, U.S. Army TEC 5 Charley H. Perdue and U.S. Army Air Corps SGT Carl C. Perdue 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 Sponaugle, Hott, Rowan, Hartman, C. Thompson and Boggs offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 52** - “Requesting the Division of Highways name bridge number 36-33-33.85 (36A165), carrying U.S. Route 33 over the South Branch of the Potomac River in Pendleton County, the ‘Dr. H. Luke Eye Memorial Bridge’.”

Whereas, Dr. Harry Luke Eye was a practicing physician and a lifelong philanthropist in Pendleton County, West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 36-33-33.85 (36A165), carrying U.S. Route 33 over the South Branch of the Potomac River in Pendleton County, the “Dr. H. Luke Eye 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 “Dr. H. Luke Eye 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 Boggs, Caputo, Sponaugle and Campbell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 53** - “Requesting the Division of Highways name northbound and southbound bridges numbered 04-79-54.18 (04A109, 04A110), locally known as the Co 21 Overpass Bridges, carrying Interstate 79 over County Route 21 in Braxton County, the ‘Ray P. Reip Memorial Bridge’.”

Whereas, Ray P. Reip was born in Braxton County, West Virginia, in 1919 on his parent’s farm and, throughout his life, enjoyed living in the country; and

Whereas, As a high school student, each day Ray Reip walked several miles through the countryside and then crossed the Elk River by boat to get to and from his school; and

Whereas, Ray Reip served as an aviation radioman in the United States Navy during World War II; and

Whereas, After his discharge from the Navy, Ray Reip returned to his beloved farm in Braxton County to follow in his father’s footsteps as a farmer and where he married and raised two daughters; and

Whereas, The construction of Interstate 79 resulted in a significant impact to the farm so dearly loved by the family, transecting the property, taking the homestead, three barns, and three ponds, and isolating 30 acres from access from the rest of the property; and

Whereas, Ray Reip loved living in West Virginia and he thought it to be the next best place to Heaven; and

Whereas, Ray Reip was known as a hard-working man, a faithful provider, wonderful husband, loving father, loyal neighbor, and a reliable, helpful person; and

Whereas, Ray Reip is survived by his wife Betty, who also served in World War II and is one of the oldest living veterans of World War II in Braxton County, and by his daughters, Barbara Morgan and Donna Pierson; and

Whereas, It is fitting that an enduring memorial be established to commemorate Ray Reip and his unselfish contributions to his community, to our state, and to our country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name northbound and southbound bridges numbered 04-79-54.18 (04A109, 04A110), locally known as the Co 21 Overpass Bridges, carrying Interstate 79 over County Route 21 in Braxton County, the “Ray P. Reip 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 “Ray P. Reip 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 Sypolt, Rowan, Paynter, Waxman, Summers, Kessinger, Howell, Fast, Wilson, Malcolm and Graves:**

**H. B. 2851** - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees"; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Lavender-Bowe, Campbell, Lovejoy, Estep-Burton, Zukoff, Walker, C. Thompson, Dean, Higginbotham, Cooper and J. Kelly:**

**H. B. 2852** - "A Bill to amend and reenact §18-9A-9 of the Code of West Virginia, 1931, as amended, relating to increasing the expenditure for academic materials, supplies, and equipment from \$200 to \$300"; to the Committee on Education then Finance.

**By Delegates Higginbotham, Jennings, Skaff, Queen, Phillips, Bibby, Wilson, Atkinson and Byrd:**

**H. B. 2853** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-14a, relating to establishing the West Virginia Program for Open Education Resources"; to the Committee on Education.

**By Delegate Householder:**

**H. B. 2854** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9q, exempting sales by not-for-profit and volunteer school support organizations for the purpose of raising funds for their schools from the consumers sales and service tax and use tax; specifying time limitations for fundraisers; specifying the exemption applies without regard to whether the organization holds, or does not hold, an exemption under §501(c)(3) or §501(c)(4) of the Internal Revenue Code"; to the Committee on Finance.

**By Delegate Householder:**

**H. B. 2855** - "A Bill to amend and reenact §12-3-10d of the Code of West Virginia, 1931, as amended, relating to allowing rebate moneys in Purchasing Card Administration Fund to be used

for the operation and maintenance of accounting and transparency systems of the State Auditor”; to the Committee on Finance.

**By Delegate Householder:**

**H. B. 2856** - “A Bill to amend and reenact §32-4-406 of the Code of West Virginia, 1931, as amended, relating to the administration of the operating fund of the securities division of the Auditor’s office; and clarifying the percentage of funds to be transferred to the General Revenue Fund”; to the Committee on Finance.

**By Delegates Campbell, Hornbuckle, Dean, Higginbotham, Fluharty, Barrett, Lavender-Bowe, Westfall and Atkinson:**

**H. B. 2857** - “A Bill to amend and reenact §29-22B-503 of the Code of West Virginia, 1931, as amended, relating to qualifications for a limited video lottery operator’s license; and providing that an applicant who has a retail beer, wine or liquor license qualifies for a limited video lottery operator’s license”; to the Committee on the Judiciary.

**By Delegates R. Thompson, Hicks, Rodighiero and Evans:**

**H. B. 2858** - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting the taking of bait fish with a net not exceeding 12 foot in radius”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Waxman, D. Jeffries, Sypolt, Linville, Jennings, J. Jeffries, Rowan, J. Kelly, Atkinson, Evans and R. Thompson:**

**H. B. 2859** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2A-10, relating to authorizing certain teachers to use alternative teaching programs if test scores of students are not meeting goals”; to the Committee on Education.

**By Delegates Jennings, Hott, Phillips, Maynard and Hanna:**

**H. B. 2860** - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section,

designated §18-5-48, relating to mandatory drug testing of all classes of employees in K through 12 schools”; to the Committee on Education then the Judiciary.

**By Delegates J. Kelly and Azinger:**

**H. B. 2861** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, relating generally to the Local Control and Accountability Act; providing counties with authority to impose a one percent county sales tax under certain circumstances; clarifying that a county sales tax does not apply in municipalities already imposing a municipal sales tax; clarifying applicability of county sales tax when a portion of the county is annexed by a municipality with an existing municipal sales tax; and requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer”; to the Committee on Political Subdivisions then Finance.

**By Delegates Westfall, Queen, Atkinson, R. Thompson, Hornbuckle, Dean, Hamrick, Storch, D. Kelly, Mandt and Nelson:**

**H. B. 2862** - “A Bill to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code, all relating to the Underwood-Smith scholarship and loan assistance program and teacher scholarship and loan program; modifying the purpose of the scholarship beginning in 2020; establishing scholarship preference for applicants pursuing math and science teaching careers; modifying selection criteria for the award of scholarships; modifying scholarship agreement condition requirements; modifying scholarship renewal requirements; modifying purpose of teacher scholarship program to those pursuing careers in teaching math or science; modifying scholarship agreement condition requirements for teachers; and modifying scholarship renewal requirements for teachers”; to the Committee on Education then Finance.

**By Delegates Rohrbach, Wilson and Pyles:**

**H. B 2863** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-

1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5 and §16-5AA-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining words and phrases; defining the duties and the powers of the advisory council; setting out particular duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account”; to the Committee on Health and Human Resources.

**By Delegates Byrd, Criss, Rohrbach, Linville, Mandt, Lovejoy, Steele, Foster, N. Brown, Sponaugle and R. Thompson:**

**H. B. 2864** - “A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges pursuant to the 2018 recommendations of the Judicial Compensation Commission”; to the Committee on the Judiciary then Finance.

**By Delegates Hamrick, Espinosa, Dean, Rodighiero, Hanna, Waxman, Westfall, R. Thompson, Higginbotham, Miley and Queen:**

**H. B. 2865** - “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended, relating to allowances for instructional technology and advanced placement, dual credit and international baccalaureate programs; increasing base allocation to each county for improving instructional technology; changing basis of determining amount to be distributed to counties for enrollment in advanced placement and dual credit programs and restricting use for program support; and removing language requiring prospective deposits into School Construction Fund”; to the Committee on Education then Finance.

**By Delegates Anderson, J. Kelly, Higginbotham and Pethtel:**

**H. B. 2866** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute

and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or canceled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee, if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; providing a requirement that county clerks accept and record said affidavit; and providing that with proper notification by the lessor and in the absence of a dispute by the lessee, an affidavit of termination, expiration, or cancellation, upon recordation by a county clerk, creates a rebuttable presumption of termination and cancellation of the oil or natural gas lease for certain interests and renders the recorded oil or natural gas lease as insufficient notice of the recorded lease under the notice statute”; to the Committee on Energy then the Judiciary.

**By Delegates Householder, Higginbotham, Mandt, Foster, Linville, Graves, Steele, Pack, Espinosa and Wilson:**

**H. B. 2867** - “A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6, and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to transferring the Medicaid Fraud Control Unit to the Attorney General’s office; establishing an effective date the Medicaid Fraud Control Unit will transfer to the Attorney General’s office; establishing the Legislative Auditor to deliver a report on the performance of the Medicaid Fraud Control Unit; establishing investigation powers with the Attorney General; establishing the Secretary of the Department of Health and Human Resources may share documents with the Attorney General; establishing persons able to maintain a civil action; and establishing liability limits for employees acting in good faith”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Howell, McGeehan, Criss, Fast, Pack, Sybolt, Harshbarger, Hanna, Mandt, Bibby and Hardy:**

**H. B. 2868** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17A-3-23a; relating to requiring federal agencies register vehicles based

in this state; providing terms to be used on a federal vehicle plate; providing for notification to be given to federal agencies with vehicles based in this state; providing for similar fees based on the vehicle class at the time of registration; and providing an effective date”; to the Committee on Government Organization.

**By Delegates Lovejoy, Zukoff, Williams, Estep-Burton, Higginbotham, Evans, S. Brown, Lavender-Bowe, Hott and Canestraro:**

**H. B. 2869** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, §19-36-6, and §19-36-7, all relating to creating West Virginia Healthy Food Crop Block Grant Program; stating findings; defining terms; creating fund; providing general revenue to fund grants for five years; partnering with nonprofit food and farm organization; establishing grant selection committee and membership; providing method for allocating grants; limiting grants; providing for rulemaking; and establishing program review reports”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Lavender-Bowe, Angelucci, R. Thompson, Hornbuckle, Evans, Zukoff, Campbell, C. Thompson, Estep-Burton, Dean and Toney:**

**H. B. 2870** - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to reducing the number of students and schools that a school nurse must serve”; to the Committee on Education then Finance.

**By Delegates Lavender-Bowe, Angelucci, Walker, Zukoff, Caputo, C. Thompson, Estep-Burton, Rowe, Fleischauer, S. Brown and Hornbuckle:**

**H. B. 2871** - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the state minimum wage”; to the Committee on Small Business, Entrepreneurship and Economic Development then Industry and Labor then Finance.

**By Delegates D. Kelly, Caputo, Maynard, J. Kelly, Anderson, Hollen, Miller, Steele, Harshbarger and Lovejoy:**

**H. B. 2872** - “A Bill to amend and reenact §29-3-12 of the Code of West Virginia, 1931, as amended, relating to authorizing any West Virginia State Police Officer, Natural Resources Police Officer, or any county or municipal law-enforcement officer to assist the State Fire Marshal or any of his or her employees in any duties for which the State Fire Marshal has jurisdiction; and to authorizing the State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal to carry a firearm in the course of official duties”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Doyle, Hornbuckle, R. Thompson, Evans, Pushkin, Longstreth, N. Brown, Angelucci, Fleischauer, Canestraro and Fluharty:**

**H. B. 2873** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to requiring the Insurance Commissioner to establish an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegates Bates, Barrett, Caputo, Lavender-Bowe, Campbell, Hornbuckle, Zukoff, Estep-Burton, Doyle, R. Thompson and S. Brown:**

**H. B. 2874** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing annual compensation for the West Virginia State Police, public school teachers, and school service personnel”; to the Committee on Education then Finance.

**By Delegates J. Kelly, Cadle, Criss, Hamrick, J. Jeffries, Mandt, C. Martin, Maynard, Paynter, Steele and Summers:**

**H. B. 2875** - “A Bill to amend and reenact §5B-2A-5, §5B-2A-6 and §5B-2A-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-14 of said code; to amend and reenact §22-

11-10 of said code; amend and reenact §22-30-3 of said code; to amend and reenact §22A-1-14 of said code; to amend said code by adding thereto a new section, designated §22A-1-43; to amend and reenact §22A-1A-1 and §22A-1A-2 of said code; to amend said code by adding thereto a new section, designated §22A-1A-5; to amend and reenact §22A-2-2, §22A-2-4, §22A-2-12 and §22A-2-78 of said code; to amend said code by adding thereto two new sections, designated §22A-2-80, and §22A-2-81; to amend and reenact §22A-8-1, §22A-8-5 and §22A-8-6 of said code; and to amend said code by adding thereto a new section, designated §22A-8-10, all relating generally to coal mine safety; adding an additional permit requirement; addressing water pollution control; adding a definition; altering mine inspectors' duties; providing for additional drug testing and for positive drug tests; altering the ventilation of mines and ventilation plan requirements; altering the examination requirements to determine compliance with permits; addressing unauthorized entry into active, closed and abandoned coal mines; requiring certain existing rules to be revised; exempting properly trained mine communications persons from having to have a certificate of competency and qualification permit; altering apprentice supervision requirements; differentiating underground miners and surface miners for certificates of competency and qualification purposes; setting forth the requirements of surface miners' certificates of competency and qualification; providing criminal penalties; providing effective dates; and requiring rule-making"; to the Committee on Industry and Labor then Energy.

**By Delegates Miller, D. Kelly, Steele, Kessinger, Maynard, Lovejoy and Robinson:**

**H. B. 2876** - "A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to the commission allowed to a sheriff for collection of taxes and including the commission in the annual base pay of the sheriff"; to the Committee on Finance.

**By Delegates P. Martin and C. Martin:**

**H. B. 2877** - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county and municipal buildings and



facilities, places of public accommodation and commercial facilities, from charging a fee for parking in an accessible parking space bearing the international symbol of access”; to the Committee on Technology and Infrastructure then the Judiciary.

### Special Calendar

#### Third Reading

**Com. Sub. for H. B. 2363**, Relating to the Upper Kanawha Valley Resiliency and Revitalization Program; 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. 84**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2363) 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. 2490**, Preventing proposing or enforcing rules that prevent recreational water facilities from making necessary upgrades; 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. 85**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2490) 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. 2691**, Providing that a license to carry a concealed deadly weapon expires on the holder's birthday; 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. 86**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2691) 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. 2779**, Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund; 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. 87**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2779) passed.

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

#### Second Reading

**Com. Sub. for S. B. 240**, Repealing certain legislative rules no longer authorized or are obsolete; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**S. B. 324**, Relating to Commissioner of Agriculture employees; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2204**, Prohibiting state licensing boards from hiring lobbyists; 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. 2479**, Corporate Governance Annual Disclosure Act; 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. 2481**, Permitting retail sale of alcoholic beverages on Sundays after 1 p.m.; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2608**, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks; 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. 2686**, Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program; 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:

**S. B. 354**, Expiring funds to balance of Auditor's Office - Chief Inspector's Fund,

**Com. Sub. for H. B. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation,

**Com. Sub. for H. B. 2392**, Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events,

**H. B. 2528**, Relating to employees of the Commissioner of Agriculture,

**Com. Sub. for H. B. 2545**, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee,

**H. B. 2546**, Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity,

**Com. Sub. for H. B. 2554**, Relating to transfers and enrollment policies for students in public schools,

**Com. Sub. for H. B. 2601**, Relating to the review and approval of state property leases,

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

**Com. Sub. for H. B. 2737**, Relating to training of State Tax Division employees,

**Com. Sub. for H. B. 2740**, Barring a parent from inheriting from a child in certain instances,

**H. B. 2746**, Relating to administration of estates,

**H. B. 2759**, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration,

And,

**H. B. 2815**, Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Kump and Worrell.

### **Miscellaneous Business**

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

- Delegates Atkinson, Mandt and Steele during Remarks by Members

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

- Delegate Hollen for H. B. 2109
- Delegate Porterfield for H. B. 2330 and H. B. 2708
- Delegates Lavender-Bowe and Walker for H. B. 2336
- Delegate Anderson for H. B. 2673
- Delegate Harshbarger for H. B. 2720
- Delegates Capito, Ellington, Evans, Mandt, Paynter and Porterfield for H. B. 2809

Delegates Howell and Hott filed a form with the Clerk's Office to make Delegate Hott the lead sponsor of H. C. R. 16.

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

- Delegate Dean for H. B. 2425
- Delegates Barrett and Skaff for H. B. 2756

At 12:17 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 7, 2019.

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Thursday, February 7, 2019

### THIRTIETH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, February 6, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

#### Committee Reports

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. 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.

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. 2405**, Imposing a healthcare related provider tax on certain health care organizations,

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

**Com. Sub. for H. B. 2405** - “A Bill to repeal §11-26-1, §11-26-2, §11-26-3, §11-26-4, §11-26-5, §11-26-6, §11-26-7, §11-26-8, §11-26-9, §11-26-10, §11-26-11, §11-26-12, §11-26-13, §11-26-14, §11-26-15, §11-26-16, §11-26-17, §11-26-19 and §11-26-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-27-3 of said code; and to amend said code by adding thereto a new section, designated §11-27-10a, all relating to imposing a health care related provider tax on certain health care organizations; repealing an outdated tax; defining terms; establishing tax rates; requiring federal approval of tax; setting effective date; and setting a termination date,”

**H. B. 2674**, Creating a student loan repayment program for a mental health provider,

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

**Com. Sub. for H. B. 2674** - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to creating a student loan repayment program for mental health providers; creating a special revenue fund; and providing rulemaking authority to establish the program,”

And,

**H. B. 2734**, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities,

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

**Com. Sub. for H. B. 2734** - “A Bill to amend and reenact §11-13-3f of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13F-1, §11-13F-2 and §11-13F-3 of said code; to amend and reenact §11-24-11 of said code; to amend and reenact §24-2A-5 of said code; and to amend and reenact §24-3-2 of said code, all relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer



utilities; providing for application for reduced rates; and authorizing certain tax credits for cost of using reduced rates,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2813**, Relating generally to collection of use tax,

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

**Com. Sub. for H. B. 2813** - “A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15A-6b, all relating generally to collection of use tax; defining terms, requiring collection of use tax by marketplace facilitators and referrers satisfying certain economic nexus requirements; and specifying internal effective date,”

With the recommendation that the committee substitute 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. 2330**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

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

**Com. Sub. for H. B. 2330** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain experience to qualify for examination for licensure; providing the qualifications to sit for a plumbers examination; providing qualifications to sit for an electricians examination; providing qualifications to sit for an examination of a sprinkler fitter in training or a journeyman sprinkler fitter,”

With the recommendation that the committee substitute 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. 2699**, Relating to municipal annexation by minor boundary adjustment,

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. 2699) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

**H. B. 2708**, Local Government Labor and Consumer Marketing Regulatory Limitation Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2708) was referred to the Committee on the Judiciary.

### **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. 154** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13d, relating to the use of school facilities; recognizing schools are integral parts of communities and the death of certain community members can have a significant impact on communities; requiring school facilities to be used for funeral and memorial services of certain community members; permitting county boards of education to establish a process for requesting the use of school facilities for funeral and memorial services; providing that county boards of education are not responsible for additional costs associated with such funeral and memorial services that are held at school facilities; and clarifying that such funeral and memorial services that are held at school facilities are not to disrupt or interfere with classroom instruction or other scheduled school event or activity”; which was referred to the Committee on Education.

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. 157** - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Administration to promulgate a legislative rule relating to purchasing; authorizing the Department of Administration to promulgate a legislative rule relating to state-

owned vehicles; and authorizing the Department of Administration to promulgate a legislative rule relating to leasing of space and acquisition of real property on behalf of state spending units”; which was referred to the Committee on Government Organization 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. 175** - “A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to assisted living residences; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to newborn screening system; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—office-based, medication-assisted treatment; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure; and authorizing the Health Care Authority to promulgate a legislative rule relating to cooperative agreement approval and compliance”; which was referred to the Committee on Health and Human Resources then 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

**S. B. 267** - “A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction that shall be available to students at each programmatic level; and requiring the West Virginia Department of Education to develop and offer professional development opportunities.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 267) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 387** - “A Bill to repeal §5-1-6, §5-1-7, §5-1-8, §5-1-9, §5-1-10, §5-1-11, and §5-1-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §62-14A-1, §62-14A-2, §62-14A-3, §62-14A-4, §62-14A-5, §62-14A-6, and §62-14A-7, all relating generally to extradition; recodifying existing extradition procedures in a new article; including persons who have been improperly released prior to completion of a sentence as being subject to extradition; designating the Commissioner of the Division of Corrections and Rehabilitation as the responsible official as to incarcerated persons subject to extradition; clarifying the proper types and number of documents used in the extradition process; and updating of designated persons or entities in other jurisdictions involved in the extradition process”; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Harshbarger, Worrell, Dean, Hamrick, Waxman, Hansen, Butler, McGeehan, Cadle, Mandt, D. Kelly and Queen offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 54** - "Requesting the Division of Highways name the new Cairo Bridge (State Project No. S343-31-9.82 Federal Project No. STP-0031(037)D) to be located on Main Street, in Cairo, Ritchie County that crosses the North Fork Hughes River, and replaces bridge number 43-31-9.82, the 'U. S. Navy AOAN David 'Wayne' Cornell Memorial Bridge'."

Whereas, David "Wayne" Cornell was born on October 16, 1966, the only son of David Paul Cornell and Dolley Marie Cornell (nee Jewel), both of Ritchie County, West Virginia; and

Whereas, David "Wayne" Cornell attended Cairo Elementary School and graduated from Harrisville High School where he was well liked and respected by his teachers and fellow classmates; and

Whereas, David "Wayne" Cornell spent the summer months of his teenage years working for the town of Cairo and the citizens of Ritchie County by cleaning and clearing the banks of the North Fork Hughes River, including the areas around the existing bridge and the new bridge's location; and

Whereas, David "Wayne" Cornell was an avid hunter and fisherman, spending much of his free time fishing the North Fork Hughes River and hunting the surrounding areas. He represented to many all that was good and wholesome while still embracing the spirit of "Wild and Wonderful West Virginia"; and

Whereas, David "Wayne" Cornell enlisted in the United States Navy upon his graduation in 1984 and earned the rank of Aviation Ordnanceman Airman (AOAN). Aviation Ordnancemen have some of the more high-risk responsibilities in the Armed Forces inasmuch as they handle and service weapons and ammunition carried on Navy aircraft; and

Whereas, AOAN Cornell was stationed on the USS Coral Sea CV43, and was awarded the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal and Navy Unit Commendation for his direct involvement in the Coral Sea's combat operations against the hostile government of Libya in 1986; and

Whereas, Sadly, AOAN Cornell was killed on January 31, 1988, onboard the USS Coral Sea CV-43 during the deployment to the Mediterranean Sea. His death was directly connected to his efforts to preserve his ship's integrity and the lives of his shipmates; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Commissioner of the Division of Highways is hereby requested to name the new Cairo Bridge (State Project No. S343-31-9.82 Federal Project No. STP-0031(037)D) to be located on Main Street, in Cairo, Ritchie County that crosses the North Fork Hughes River, and replaces bridge number 43-31-9.82, the "U.S. Navy AOAN David 'Wayne' Cornell 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. Navy AOAN David 'Wayne' Cornell 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 Atkinson, Westfall, J. Kelly, Hollen, Higginbotham and Canestraro offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 55** - "Requesting the Division of Highways name bridge number 18-77-119.86 NB & SB (18A150, 18151) locally known as Goldtown Interchange Bridges, carrying Interstate 77 over County Route 21 and Pocatalico Creek in Jackson County, the

‘U. S. Navy Seaman 1<sup>st</sup> Class Brady William Milam Memorial Bridge’.”

Whereas, Navy Seaman 1<sup>st</sup> Class Brady William Milam; served in the U. S. Navy Atlantic and Pacific fleets. His ships were the USS Thomas Jefferson, and The USS Fuller. In April 1942, the Fuller transferred to the Pacific, where she served for the rest of Seaman 1<sup>st</sup> Class Milam’s career; and

Whereas, Seaman 1<sup>st</sup> Class Brady William Milam took part in the Guadalcanal invasion in August 1942 and operated in support of the long and difficult campaign to hold that island, between August 1942 and February 1943; and

Whereas, During his time in the Navy, Seaman 1<sup>st</sup> Class Milam was in North Africa, Guadalcanal, Fiji Islands, New Caledonia, Australia, New Zealand, and New Guinea. He also saw an active volcano in Japan and passed through the Panama Canal on his way back to San Diego, California, where he was honorably discharged in 1943; and

Whereas, Seaman 1<sup>st</sup> Class Brady William Milam passed away on March 29, 2005; and

Whereas, It is fitting that an enduring memorial be established to commemorate Navy Seaman 1<sup>st</sup> Class Brady William Milam and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 18-77-119.86 NB & SB (18A150, 18151) locally known as Goldtown Interchange Bridges, carrying Interstate 77 over County Route 21 and Pocatamico Creek in Jackson County, the “U.S. Navy Seaman 1<sup>st</sup> Class Brady William Milam 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. Navy Seaman 1<sup>st</sup> Class Brady William Milam 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 Rodighiero, Tomblin, Maynard, Miller, Hicks and Evans offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 56** - "Requesting the Division of Highways name a one-mile section of WV Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, the 'U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway'."

Whereas, Larry E. Nunnery, Sr. was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Larry E. Nunnery, Sr. married Janice White Nunnery; and

Whereas, Army Specialist Larry E. Nunnery, Sr. served in the United States Army in Korea and Germany; and

Whereas, Following his military service, SPC Nunnery worked in the coal mines until he became disabled and also worked with the Boone County Parks and Recreation for 10 years; and

Whereas, SPC Nunnery was a member of the Independent Order of Odd Fellows and served on the Boone County Correctional Officer Civil Service Committee for two years; and

Whereas, SPC Nunnery was Vice Chairman of the Democratic Party in Boone County for more than 10 years and assisted numerous veterans file and receive benefits; and

Whereas, SPC Nunnery passed away on December 31, 2000; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who so ably served his state and his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a one-mile section of WV Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, the “U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the road as the “U.S. Army SPC Larry E. Nunnery, Sr. Memorial Highway”; and, be it

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

### **Motions**

Delegate Fluharty was recognized and moved, pursuant to House Rule 82, that H. B. 2733 be discharged from the Committee on Industry and Labor.

Delegate Summers moved that the motion be tabled.

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. 88**), and there were—yeas 58, nays 40, absent and not voting 2, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid upon on the table.

### **Bills Introduced**

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

**By Delegate Harshbarger:**

**H. B. 2879** - “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Hill, Dean, D. Jeffries, Angelucci, Rohrbach, Jennings, Miller, Bates and Sponaugle:**

**H. B. 2880** - “A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation; requiring training to be completed by a certain date; and requiring calls to be transferred to call center in certain circumstances”; to the Committee on Political Subdivisions then Health and Human Resources.

**By Delegates Howell, Pack, C. Martin, Steele, Wilson, Bibby, Hardy, D. Jeffries, Ellington, Hollen and Linville:**

**H. B. 2881** - “A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to altering the color scheme for county vehicle registration plates; altering the color scheme for city or municipality vehicle registration plates; providing that all county vehicle registration plates, title certificates, and registration certificates shall expire on December 31, 2019; providing for exemptions for certain county Class A license plates; requiring all counties to obtain a new title certificate,

registration certificate, and registration plate for all county vehicles prior to January 1, 2020; requiring renewal every two years; providing that all city and municipal registration plates, title certificates, and registration certificates shall expire on December 31, 2019; providing for exemptions for certain city and municipal Class A license plates; requiring all cities or municipalities to obtain a new title certificate, registration certificate, and registration plate for all city or municipality vehicles prior to January 1, 2020; and requiring renewal every two years”; to the Committee on Government Organization then Finance.

**By Delegates Ellington, Hill, Worrell, Wilson, D. Jeffries, Criss, Dean, Stagers and Rohrbach:**

**H. B. 2882** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-3-5, relating to creating a health professionals’ student loan programs; health sciences tuition program; and providing in-state tuition rates to out-of-state medical and osteopathic students who agree to practice for a specific time within West Virginia”; to the Committee on Education then Finance.

**By Delegates Miller, Steele, Kessinger, Rohrbach, Canestraro, D. Kelly and Lovejoy:**

**H. B. 2883** - “A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended, relating to expanding the definitions of locations where enhanced penalties for selling controlled substances to a minor are applicable”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates Miller and Sypolt:**

**H. B. 2884** - “A Bill to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to permitting the clerk of a circuit court to charge and collect a fee to search electronic records that requires special programming; permitting the clerk of a circuit court to charge and collect a fee to search records off-site; and requiring the fees be deposited in the Courthouse Facilities Improvement Fund”; to the Committee on the Judiciary then Finance.

**By Delegates Rohrbach, Maynard, Paynter, Rodighiero, Miller, Worrell, Campbell, Graves, Hollen and Lovejoy:**

**H. B. 2885** - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police over a three-year period; increasing the annual interval salary increase; and setting effective dates”; to the Committee on Finance.

**By Delegates Howell, Pack, C. Martin, Hanshaw (Mr. Speaker), Hartman, Phillips, Summers, D. Jeffries, Ellington, Hollen and Linville:**

**H. B. 2886** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17A-2-26, relating to establishing requirements for a Division of Motor Vehicles office or Division of Motor Vehicles Now kiosk to be present in a county; establishing definitions for this section; establishing conditions for a Division of Motor Vehicles office location to be within a county; establishing exemptions under certain conditions; establishing requirements for a Division of Motor Vehicles Now kiosk to be located in a county; establishing the total number of Division of Motor Vehicle offices in this state; establishing the maximum number of Division of Motor Vehicle Now kiosks are to be determined; and requiring the provisions of this section be implemented by July 1, 2021”; to the Committee on Government Organization.

**By Delegates Capito and Nelson:**

**H. B. 2887** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5 and §31-15D-6; §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Rodighiero:**

**H. B. 2888** - “A Bill to amend and reenact §15A-4-20 of the Code of West Virginia, 1931, as amended, relating to work programs; defining who is a qualified inmate for work program; and establishing good time credit for participants of work programs”; to the Committee on the Judiciary then Finance.

**By Delegates Miller, Sypolt, Angelucci, Lovejoy and Robinson:**

**H. B. 2889** - “A Bill to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating to judgment liens; and requiring that the last four digits of debtor’s social security number and other identifying information be included in abstracts of judgments”; to the Committee on the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2890** - “A Bill to amend and reenact §16-22-3 of the Code of West Virginia, 1931, relating to the expansion of newborn testing to include Adrenoleukodystrophy”; to the Committee on Health and Human Resources.

**By Delegates Hicks, Rodighiero, Tomblin, Evans, Zukoff, R. Thompson, Walker and Skaff:**

**H. B. 2891** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to creating tax credits for new and/or existing small businesses in this state and operating entirely within West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Canestraro, Miller, D. Kelly, Hollen, N. Brown and Steele:**

**H. B. 2892** - “A Bill to amend and reenact §62-1A-2 of the Code of West Virginia, 1931, as amended, relating to including digital and virtual information in the definition of property that can be searched and seized by a warrant”; to the Committee on the Judiciary.

**By Delegates Sponaugle, Hartman, N. Brown, Barrett, C. Thompson, Boggs, Pushkin, Ellington, Criss, Miley and Caputo:**

**H. B. 2893** - “A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys”; to the Committee on Health and Human Resources then Finance.

**By Delegates Malcolm, D. Jeffries, Graves, Higginbotham and Sybolt:**

**H. B. 2894** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-26, relating to creating the offense of disturbing the peace by barking or howling dogs; providing misdemeanor offense; and authorizing seizure of dog”; to the Committee on the Judiciary.

**By Delegates Miley and Queen:**

**H. B. 2895** - “A Bill to amend and reenact §61-11A-8 of the Code of West Virginia, 1931, as amended, relating to allowing victims of certain crimes to get a restraining order prohibiting convicted persons from contacting or living in proximity to the victim, upon a finding that this has caused or will cause the victim emotional distress”; to the Committee on the Judiciary.

**By Delegates Miley, Longstreth, Pyles, Fluharty, Estep-Burton, Hornbuckle, Williams, Pushkin, Staggers, C. Thompson and N. Brown:**

**H. B. 2896** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §30-5-35; and to amend said code by creating a new article, designated §46A-6K-1, §46A-6K-2, §46A-6K-3, §46A-6K-4, and §46A-6K-5, all relating to establishing a program to monitor and regulate dangerous pharmaceutical distribution practices; requiring the Board of Pharmacy to establish requirements for manufacturers and distributors of certain Schedule II drugs sold in the state; authorizing the Board of Pharmacy to promulgate legislative rules; providing legislative findings for the need for oversight and regulation of Schedule II drugs; granting authority of the Attorney General to enforce unfair and deceptive practices relating to sales

of Schedule II drugs; requiring Schedule II drug manufacturers and distributors to report sale figures to state pharmacies; providing for enforcement and remedies for violations; and requiring legislative authorization for Attorney General settlements with all Schedule II manufacturers and distributors”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegates C. Thompson, Hartman, Dean, R. Thompson, Lavender-Bowe, Estep-Burton, Boggs, Hornbuckle, Rowan, N. Brown and Walker:**

**H. B. 2897** - “A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to driving restrictions in school zones; specifying that the speed limit restriction for school zones applies during school recess or while children are going to or leaving school during opening or closing hours and whenever school zone flashing beacons are active; requiring that school zone flashing beacons be activated whenever students are present at a school for student activities occurring outside of a school’s regular hours of operation”; to the Committee on Technology and Infrastructure then Education.

**By Delegates Rodighiero, Evans, R. Thompson, Hicks, Tomblin and Wilson:**

**H. B. 2898** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2H-1, relating to billing practices of public utilities; prohibiting estimated bills”; to the Committee on the Judiciary.

**By Delegates J. Jeffries, D. Jeffries, Waxman, Fast, Porterfield, Maynard, Graves and Malcolm:**

**H. B. 2899** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §5B-4-1, §5B-4-2, §5B-4-3, and §5B-4-4, all relating to creating the West Virginia Intrastate Commerce Improvement Act; and ensuring that businesses, organizations and employers doing business in West Virginia are subject to uniform nondiscrimination laws and obligations”; to the Committee on Government Organization then the Judiciary.



**By Delegates Lavender-Bowe, Campbell, Paynter, Zukoff, R. Thompson, Wilson, Atkinson, J. Jeffries and Hartman:**

**H. B. 2900** - “A Bill to amend and reenact §19-19-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto two new sections, designated §19-19-7 and §19-19-8, all relating to the right to farm; providing for an amended definition of agriculture; providing for protections to agriculture operations from nuisance litigation if the facility has been in operation for more than one year; and providing a severability clause”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Storch, Nelson, Skaff, Sponaugle, Fluharty, Graves, McGeehan, Westfall, Rowe, Barrett and Householder:**

**H. B. 2901** - “A Bill to amend and reenact §29-22A-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-3 and §29-22C-8 of said code, all relating to allowing for the establishment of a secondary location for racetrack video lottery terminals and racetrack table games of licensed racetracks to an alternative location within the current county of the licensed racetrack”; to the Committee on the Judiciary then Finance.

**By Delegates Pushkin, Criss, Rohrbach, Butler, S. Brown, Estep-Burton, Walker and Sponaugle:**

**H. B. 2902** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2 and §18-10P-3; and to amend and reenact §21-5C-1 of said code; all relating to wages of persons with disabilities; initiating a State ‘Employment First Policy’ to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; providing for implementation of the State Employment First Policy; and removing the exemption from paying minimum wages to disabled persons working in nonprofit workshops”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Rodighiero, N. Brown, Tomblin, R. Thompson, Wilson, Kessinger, Steele, Dean, Hamrick, Hicks and Westfall:**

**H. B. 2903** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, §16-2P-12, and §16-2P-13, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing exceptions; making findings; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; creating the Joint Legislative Committee on Adoption Promotion and Support; establishing penalties; permitting civil actions; defining terms; and providing for rule-making”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hanna, P. Martin, Paynter, Campbell, J. Jeffries, Porterfield, Angelucci and S. Brown:**

**H. B. 2904** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to implementing drug testing for legislators of the State of West Virginia”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Hicks, Rodighiero, Tomblin, Evans, Zukoff, R. Thompson, Walker and Skaff:**

**H. B. 2905** - “A Bill to amend and reenact §48-11-105 and §48-11-106 of the Code of West Virginia, 1931, as amended; all relating to requiring in the event the amount of child support to be paid is modified by a later child support order, the amount to be paid is effective on the date the petition for the modification was filed, not the date the subsequent order was entered”; to the Committee on the Judiciary.

**By Delegates Hicks, Rodighiero, Tomblin, Evans, Zukoff, R. Thompson and Walker:**

**H. B. 2906** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-14b, relating to providing for security of private, employer-

sponsored insurance and/or retirement plans”; to the Committee on Banking and Insurance then Finance.

**By Delegates Steele, Miller, Caputo and Maynard:**

**H. B. 2907** - “A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §62-7-10a, all relating to the requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation; requiring a form for commitments to prisons; requiring a form for commitments from magistrate or circuit courts to jails; clarifying the costs of incarceration; and clarifying the method of transmittal of commitment orders”; to the Committee on the Judiciary.

**By Delegates Westfall and Ellington:**

**H. B. 2908** - “A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended, relating to HIV testing; and eliminating outdated testing protocols”; to the Committee on Banking and Insurance then Health and Human Resources.

**By Delegate Westfall:**

**H. B. 2909** - “A Bill to amend and reenact §33-17A-3 of the Code of West Virginia, 1931, as amended, relating to definition of terms”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Kessinger and Hardy:**

**H. B. 2910** - “A Bill to amend §3-2-11 and §3-2-12 of the Code of West Virginia, 1931, as amended, all relating to eliminating the automatic voter registration program and requiring Division of Motor Vehicles confirm the citizenship of applicant prior to sending information to Secretary of State”; to the Committee on the Judiciary.

**By Delegates Evans, Wilson, Rodighiero, Hansen, Doyle, Hornbuckle, McGeehan, Bibby, Fleischauer, S. Brown and Zukoff:**

**H. B. 2911** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c;

to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all relating to permitting third party ownership of on-site renewable and alternative generating facilities”; to the Committee on Energy then the Judiciary.

**By Delegates Campbell, Hornbuckle, Estep-Burton, Lavender-Bowe, Caputo, Boggs, Miller, Pack, Rohrbach, Canestraro and Byrd:**

**H. B. 2912** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13, relating to requiring the Consolidated Public Retirement Board to increase by one percent, the monthly annuity payment for each retirant under a retirement system it administers, who has been receiving an annuity payment for at least 10 years”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Campbell, Canestraro, Williams, Staggers, Lavender-Bowe, Byrd, Hornbuckle, Estep-Burton and Higginbotham:**

**H. B. 2913** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to the selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children’s expressive and receptive language acquisition and developmental stages toward English literacy”; to the Committee on Education.

**By Delegates Miley, Queen, Hamrick, Waxman, Fleischauer, Pethel, Fluharty and Zukoff:**

**H. B. 2914** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §39-4-37, relating to establishing commissioners for out-of-state notarizations of documents relating to West Virginia property for recordation in West Virginia; authorizing the Governor to make commissioner appointments; establishing authority and duties of commissioners; requiring financial surety for commissioners; authorization of collection and distribution of fees; providing for seal and oath of office; providing for certification and administration by Secretary of State; and providing for

authentication of documents"; to the Committee on the Judiciary then Finance.

### Special Calendar

#### Third Reading

**S. B. 324**, Relating to Commissioner of Agriculture employees; 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. 89**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 324) passed.

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

On this question, the yeas and nays were taken (**Roll No. 90**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 324) takes effect from its passage.

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

**Com. Sub. for H. B. 2204**, Prohibiting state licensing boards from hiring lobbyists; 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. 91**), and there were—yeas 84, nays 14, absent

and not voting 2, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Estep-Burton, Fleischauer, Hansen, Hicks, Lavender-Bowe, Miley, Miller, Pushkin, Robinson, Rowe, Tomblin and Walker.

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2204) 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. 2479**, Corporate Governance Annual Disclosure 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. 92**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2479) 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. 2481**, Permitting retail sale of alcoholic beverages on Sundays after 1 p.m.; on third reading, coming up in regular order, was read a third time.

Delegate Phillips requested to be excused from voting on the passage of Com. Sub. for H. B. 2481 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. 93**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Butler, Fast, Hanna, Hollen, D. Jeffries, Jennings, C.R. Martin, P. Martin, Pack, Porterfield, Toney and Worrell.

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2481) passed.

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

On this question, the yeas and nays were taken (**Roll No. 94**), and there were—yeas 86, nays 12, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Butler, Fast, Hollen, D. Jeffries, Jennings, C. Martin, P. Martin, Pack, Porterfield, Toney and Worrell.

Absent and Not Voting: Byrd and Kump.

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. 2481) 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.

**H. B. 2608**, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks; 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. 95**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2608) 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. 2686**, Relating to permitting the Supreme Court of Appeals of West Virginia to create a family drug court pilot program; 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. 96**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2686) passed.

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



### Second Reading

**Com. Sub. for S. B. 240**, Repealing certain legislative rules no longer authorized or are obsolete; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Summers, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of amendments on that reading.

**S. B. 354**, Expiring funds to balance of Auditor's Office - Chief Inspector's Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**Com. Sub. for H. B. 2392**, Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2528**, Relating to employees of the Commissioner of Agriculture; 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. 2545**, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2546**, Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity; 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. 2554**, Relating to transfers and enrollment policies for students in public schools; 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. 2601**, Relating to the review and approval of state property leases; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2696**, Creating an additional index system for state-owned lands; 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. 2737**, Relating to training of State Tax Division employees; 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. 2740**, Barring a parent from inheriting from a child in certain instances; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2746**, Relating to administration of estates; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Shott, and by unanimous consent, the bill was advanced to third reading with amendments pending, and the rule was suspended to permit the consideration of amendments on that reading.

**H. B. 2759**, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2815**, Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny; 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. 2468**, Department of Agriculture Capital Improvements Fund,

**Com. Sub. for H. B. 2583**, Family Planning Access Act,

**Com. Sub. for H. B. 2661**, Relating to natural gas utilities,

And,

**Com. Sub. for H. B. 2809**, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area.

### Leaves of Absence

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

### Miscellaneous Business

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

- Delegate Porterfield during Remarks by Members on Monday, February 4, 2019
- Delegates S. Brown, Caputo, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Linville, Pyles, Rohrbach, Rowe and Walker during Remarks by Members on today

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

- Delegate Porterfield for H. B. 2031, H. B. 2361, H. B. 2617 and H. B. 2621
- Delegate Steele for H. B. 2109

- Delegate Espinosa for H. B. 2617, H. B. 2621 and H. B. 2807
- Delegate J. Kelly for H. B. 2673
- Delegate Pack for H. B. 2825
- Delegate Longstreth for H. B. 2836

Pursuant to House Rule 94b, Delegate Paynter filed a form with the Clerk's Office to be removed as a cosponsor of H. B. 2875.

At 12:39 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 8, 2019.

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Friday, February 8, 2019

**THIRTY-FIRST 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 7, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2609**, Relating to presumptions of abandonment and indication of ownership in property,

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

**Com. Sub. for H. B. 2609** - "A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating to presumptions of abandonment and indication of ownership in demand, savings and time deposits held by a financial institution,"

And,

**H. B. 2720**, Authorizing certain investigators and first responders to carry firearms,

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

**Com. Sub. for H. B. 2720** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and allowing for reimbursement for the cost of the training,"

With the recommendation that the committee substitutes 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. 2647**, Self Storage Limited License 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:

**Com. Sub. for S. B. 61**, Adding certain crimes for which prosecutor may apply for wiretap,

And reports the same back, with 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. 2109**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

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

**Com. Sub. for H. B. 2109** - “A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from 60 days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation,”

And,

**H. B. 2761**, Modernizing the self-service storage lien law,

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

**Com. Sub. for H. B. 2761** - “A Bill to amend and reenact §38-14-2, §38-14-3, §38-14-4, §38-14-5, §38-14-7, §38-14-8, and §38-14-9 of the Code of West Virginia, 1931, as amended, all relating to modernizing the self-service storage lien law; modifying late fees; re-defining certain terms; providing modern methods of satisfying a self-service storage lien; and providing a new effective date,”

With the recommendation that the committee substitutes 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:

**Com. Sub. for S. B. 18**, Relating to crimes committed on State Capitol Complex,

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

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. 2768**, Reducing the use of certain prescription drugs,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2768) was referred to the Committee on Health and Human Resources.

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:

**S. B. 63**, Relating to partial filling of prescriptions,

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

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

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



**H. B. 2867**, Transferring the Medicaid Fraud Control Unit to the Attorney General's office,

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. 2867) was referred to the Committee on the Judiciary.

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

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

**H. B. 2801**, Requiring abortions to be performed by a licensed physician,

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. 2801) was referred to the Committee on the Judiciary.

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

**By Delegates Ellington, Rohrbach and Bates:**

**H. B. 2878** - "A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to updating the controlled substances listed on schedule one."

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

**By Delegates Ellington, Rohrbach and Bates:**

**H. B. 2991** - “A Bill to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as amended, relating to the Ryan Brown Addiction Prevention and Recovery Fund; requiring an assessment; requiring a presentation of that assessment; and requiring future settlements to be directed to the fund.”

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 2991) to the Committee on Finance.

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. 2802**, Uniform Partition of Heirs Property Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2802) 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. 2361**, Establishing certain requirements for dental insurance,

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. 2361) was referred to the Committee on the Judiciary.

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

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

**H. B. 2625**, Establishing reimbursement rates for congregate and in-home meals,

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. 2625) was referred to the Committee on Finance.

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

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

**H. B. 2825**, Creating a workgroup to review the hospice need standards in this state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2825) was referred to the Committee on Health and Human Resources.

### **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. 127** - “A Bill to amend and reenact §62-12-6 of the Code of West Virginia, 1931, as amended, relating to the duty of probation officers to perform such alcohol and drug testing of litigants as directed by the circuit and family courts; and reporting results to the court”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 163** - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies under the Department of Environmental Protection to promulgate rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for determining conformity of transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws to applicable air quality implementation plans (transportation conformity); authorizing the Department of Environmental Protection to promulgate a legislative rule relating to provisions for determination of compliance with air quality management rules; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur

dioxide emissions, and ozone season nitrogen oxides emissions; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards”; which was referred to the Committee on Energy then 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. 392** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-3-14a, relating to payment of certain claims received by the Division of Corrections and Rehabilitation not otherwise specifically provided for in this article; requiring audit of such claims by the division; providing procedure for payment of valid audited claims from division funds; and authorizing payment of unaudited claims in certain circumstances from division funds”; which was referred to the Committee on Government Organization.

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. 16** - “Requesting the Division of Highways name bridge number 08-1-17.04 (08A003), locally known as the Queen Shoals Bridge, carrying Queen Road on County Route 1 over the Elk River in Clay County, the ‘U. S. Army SP4 Wilbur Allen Smith Memorial Bridge’.”

Whereas, Wilbur Allen Smith, known throughout his life as “Al”, was born to Wilbur Amos Smith and Mary Eloise Rogers on January 8, 1948, in Madison, West Virginia, and grew up in Clay County on Camp Creek Hill at Bomont, West Virginia; and

Whereas, Wilbur Allen Smith attended Clay County schools, graduated from Clay County High School in 1965, and was a member of the National Honor Society. He also attended Glenville State College with a goal of becoming a biology teacher; and

Whereas, Wilbur Allen Smith was inducted in the U. S. Army in 1968 and, after training at Fort Bragg, North Carolina, and Fort Polk, Louisiana, he was sent to serve in Vietnam, beginning in October 1968. He served in the First Cavalry Division (Airmobile), an infantry division converted into a new kind of fighting force known as an air assault division for its extensive use of the mobility of helicopters, where he attained the rank of Specialist 4; and

Whereas, On June 2, 1969, two companies of SP4 Wilbur Allen Smith's division encountered a large number of enemy soldiers in fortified bunkers along the Dong Nai River. What followed was an intense firefight resulting in more than 55 casualties. During the battle, SP4 Wilbur Allen Smith volunteered to neutralize one of the bunkers and he maneuvered to within 15 feet of the enemy's position. Tragically, he was killed by the explosion of an enemy rocket grenade; and

Whereas, SP4 Wilbur Allen Smith was laid to rest in the Smith Family Cemetery on Camp Creek Hill near Bomont, West Virginia, and he is survived by two sisters and a large extended family who remember his life and spirit with great sentiment; and

Whereas, It is fitting that an enduring memorial be established to commemorate SP4 Wilbur Allen Smith and his contributions and sacrifice for 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 08-1-17.04 (08A003), locally known as the Queen Shoals Bridge, carrying Queen Road on County Route 1 over the Elk River in Clay County, the "U. S. Army SP4 Wilbur Allen Smith Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge

as the “U. S. Army SP4 Wilbur Allen Smith Memorial Bridge”; and, be it

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

A message from the Senate, by

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

**S. C. R. 20** - “Requesting the Division of Highways name bridge number 26-250-31.34 (26A119), known locally as Route 250 Jefferson Avenue Extension Bridge, crossing Little Grave Creek just south of the Walmart Plaza entrance near Moundsville, West Virginia, the ‘U.S. Air Force SSGT Ryan David Hammond Memorial Bridge’.”

Whereas, Ryan Hammond was born on March 29, 1989, in Glen Dale, West Virginia, and graduated from John Marshall High School in 2007; and

Whereas, After graduating high school, Ryan Hammond proudly joined the United States Air Force in September 2007 as an F-15 Avionics Technician at Tyndall Air Force Base, Florida, and Seymour Johnson Air Force Base, North Carolina. After 6 years of service, Ryan cross-trained to a Loadmaster and arrived at Dyess Air Force Base, Texas, in March 2014 as part of the 39<sup>th</sup> Airlift Squadron; and

Whereas, SSGT Ryan David Hammond, 26, of Moundsville, West Virginia, died as a hero on Friday, October 2, 2015. Ryan was killed in action when a U.S.C-130J plane crashed while taking off from Jalalabad International Airport in Afghanistan during Operation Freedom’s Sentinel; and

Whereas, Before his deployment, Ryan applied to officer training school. He was a member of the elite USAF Honor Guard.

Ryan was also working toward his bachelor's degree in Technical Management at Embry-Riddle Aeronautical University. He was a member of Ebenezer United Methodist Church on Roberts Ridge, in Moundsville. Ryan lived in Abilene, Texas, with his wife, Holly, and their dog, Dug; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Ryan David Hammond and his sacrifice for his state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 26-250-31.34 (26A119), known locally as Route 250 Jefferson Avenue Extension Bridge, crossing Little Grave Creek just south of the Walmart Plaza entrance near Moundsville, West Virginia, the "U.S. Air Force SSGT Ryan David Hammond 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. Air Force SSGT Ryan David Hammond Memorial Bridge"; and, be it

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

### **Resolutions Introduced**

Delegate Byrd offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

**H. R. 13** - "Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's Disease and other dementia as a public health issue."

Whereas, It is the intent of the House of Delegates to increase awareness of Alzheimer's Disease and other dementia, address



cognitive impairment, promote brain health and meet the needs of caregivers; and

Whereas, Alzheimer's Disease has been traditionally seen as an aging issue. Alzheimer's is also a public health issue because the burden to society is large, the impact is major and there are ways to intervene throughout the lifespan; and

Whereas, The onset of Alzheimer's Disease cannot yet be stopped or reversed; and

Whereas, Early detection and diagnosis give people with dementia and their families a better chance of receiving and benefitting from treatment, care and support services and allow them to better prepare for medical, legal and financial decisions in the future; and

Whereas, Alzheimer's Disease is the sixth leading cause of death in adults age 18 or older in the United States of America; and

Whereas, Currently there are no definitive interventions or successful treatments to prevent or cure Alzheimer's Disease; and

Whereas, The Centers for Disease Control and Prevention (CDC) has declared that it is essential to promote early detection, educate the public about risk reduction and continue accurately tracking the diagnosis of Alzheimer's Disease and other dementia; and

Whereas, In conjunction with the CDC, the Bureau for Public Health annually conducts the Behavioral Risk Factor Surveillance System (BRFSS) survey to gather statewide public health data; and

Whereas, In the 2015 BRFSS survey, 10 percent, or one in 10, of West Virginia residents aged 45 and older reported an increase in confusion or worsening memory loss and more than half of them (52.4 percent) had not discussed these cognitive concerns with a healthcare provider; and

Whereas, Dementia caregivers often suffer from stress, depression, increased illnesses and chronic health issues providing

care to their loved ones for long periods of time, saving taxpayers billions of dollars in the process; and

Whereas, The Bureau for Public Health has important responsibility of promoting and encouraging healthy behaviors among the general public, increasing early detection and diagnosis of disease and disability, reducing risk of future illness and injury, educating the healthcare workforce, and monitoring the health of the state; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby urges the Commissioner of the Bureau for Public Health to designate Alzheimer's Disease and other dementia as a public health issue; and, be it

*Further Resolved,* That the Clerk forward a copy of this resolution be transmitted to the Commissioner of the Bureau for Public Health.

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

**H. C. R. 57** - "Requesting the Division of Highways name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the 'Colonel Morgan Morgan Memorial Bridge'."

Whereas, Colonel Morgan was born in 1688 in Glamorganshire, Wales, and educated in London, England; and

Whereas, He emigrated to the American colonies at the age of 24 where he settled in Christina, Delaware, in 1702; and

Whereas, In 1713, he married Catherine Garretson, the love of his life, in a ceremony in New Castle County, Delaware; and

Whereas, He and his wife moved from Christina, Delaware, to Winchester, Virginia, where he became an ordained minister; and

Whereas, In 1731, he arrived in what is now the State of West Virginia; and

Whereas, In 1734, he was appointed to the “Commission of the Peace”, which was at that time the office of the magistrate; and

Whereas, Between 1735-1736 and 1753, he acquired a military commission in the First Militia (now the 201<sup>st</sup> Field Artillery Regiment of the West Virginia Army National Guard), also known as the Berkeley Rifles, and rose from Captain of the militia to Lieutenant Colonel; and

Whereas, Colonel Morgan was in one of 13 militia companies tasked with fighting the British in the early stages of the Revolutionary War; and

Whereas, Colonel Morgan is credited with many “firsts” including: Being the first permanent European settler in present-day West Virginia; establishing the first Episcopal Church, known as the Mill Creek Church, in the Commonwealth of Virginia; being the first civil officer; being the first judicial officer; establishing the first licensed tavern and inn for pioneer travelers in the Blue Ridge Mountain area; engineering the first road built in present-day West Virginia, which was approximately 12 miles long; organizing the first militia in the area; and being the first “Gentlemen Justice” involved in the formation of two counties in Virginia; and

Whereas, Colonel Morgan and his descendants were also instrumental in the development of Virginia and present-day West Virginia. Without Colonel Morgan and his descendants, there would likely be no West Virginia, no Marion County, no Fairmont, and no Morgantown. His descendants include former West Virginia Governor Ephraim F. Morgan, and Francis Harrison Pierpont (also known as the “Father of West Virginia”); and

Whereas, The naming of this bridge is an appropriate recognition of Colonel Morgan’s contributions to this country and to the place that is present-day West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the “Colonel Morgan Morgan 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 “Colonel Morgan Morgan 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 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. 58** - “Requesting Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the ‘U.S. Army SGT Tommy Meadows Memorial Road’.”

Whereas, Tommy Meadows was born on February 17, 1948, in Charleston and passed away on March 5, 2017; and

Whereas, Sergeant Meadows was president of his Sophomore, Junior and Senior years at DuPont High School; and

Whereas, Tommy Meadows served in the United States Army from 1968 to 1970; and

Whereas, While serving in Vietnam SGT Meadows was exposed to Agent Orange, which eventually contributed to his death; and

Whereas, Tommy Meadows served as a Kanawha County Deputy Sheriff for five years; and

Whereas, SGT Meadows retired from Union Carbide with a disability because of exposure to Agent Orange; and

Whereas, SGT Meadows was an officer and active member of Charleston Moose 1444; and

Whereas, SGT Meadows was a volunteer with Community of Rand Association performing community services for the betterment of Rand; and

Whereas, SGT Meadows bought and delivered meals to senior citizens in the area and was forever lending assistance to anyone in need; and

Whereas, It is fitting that a proper memorial be established for this man who so ably served his country and the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the “U.S. Army SGT Tommy Meadows Memorial Road”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the highway as the “U. S. Army SGT Tommy Meadows 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 Linville, Higginbotham, J. Kelly, Hollen, Azinger, D. Kelly, Westfall, Barrett, Bates, Butler, Criss, Ellington, Graves, Hartman, Hill, Longstreth, Maynard, Rowan, Rowe, Skaff and Storch offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 59** - "Requesting the Governor of West Virginia, upon the death of Hershel 'Woody' Williams, West Virginia's last living Medal of Honor recipient from World War II, to hold a celebration of his life memorial service at the West Virginia State Capitol."

Whereas, Corporal Hershel "Woody" Williams was born on October 2, 1923, on a dairy farm in Quiet Dell, West Virginia. In October 1945, he married Ruby Meredith, and they had two daughters; and

Whereas, Corporal Williams enlisted in the United States Marine Corps and served in the Battle of Iwo Jima with the 21<sup>st</sup> Marines, 3<sup>rd</sup> Marine Division. During the battle, Corporal Williams displayed "valiant devotion to duty" and service above self as he "enabled his company to reach its objective." His actions, commitment to his fellow service members, and heroism were recognized on October 5, 1945, when he received the Congressional Medal of Honor from President Truman at the White House. Corporal Williams is the sole surviving Marine from WWII to wear the Medal of Honor; and

Whereas, Corporal Williams' Medal of Honor Citation reads: "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as demolition sergeant serving with the 21<sup>st</sup> Marines, 3<sup>rd</sup> Marine Division, in action against enemy Japanese forces on Iwo Jima, Volcano Islands, February 23, 1945. Quick to volunteer his services when our tanks were maneuvering vainly to open a lane for the infantry through the network of reinforced concrete pillboxes, buried mines, and black volcanic sands, Cpl. Williams daringly went forward alone to attempt the reduction of devastating machine-gun fire from the unyielding positions. Covered only by four riflemen, he fought desperately for four hours under terrific enemy small-arms fire and repeatedly returned to his own lines to prepare demolition charges and obtain serviced flamethrowers, struggling back, frequently to the rear of hostile emplacements, to wipe out one position after another. On one occasion, he daringly mounted a pillbox to insert the nozzle of his flamethrower through the air vent, killing the occupants and silencing the gun; on another he grimly charged enemy riflemen who attempted to stop him with bayonets and destroyed them with

a burst of flame from his weapon. His unyielding determination and extraordinary heroism in the face of ruthless enemy resistance were directly instrumental in neutralizing one of the most fanatically defended Japanese strong points encountered by his regiment and aided vitally in enabling his company to reach its objective. Cpl. Williams' aggressive fighting spirit and valiant devotion to duty throughout this fiercely contested action sustain and enhance the highest traditions of the U.S. Naval Service;" and

Whereas, After his discharge in November 1945, Corporal Williams served in the Marine Corps Reserve, retiring in 1969. From 1946 to 1979, he was a counselor with the Veterans Administration, working with veterans from West Virginia; and

Whereas, Devotion to duty, service members, veterans, and their families began long before the battle and before Corporal Williams entered the Corps. As World War II began, he came into direct contact with families in his own community when he delivered Western Union telegrams informing the Gold Star families of the deaths of their loved ones. Corporal Williams says that those experiences gave him a "greater appreciation for life and an understanding of a difference in death in the normal world as expected in life, and those lost serving in the military for their country." He noted that "consideration and recognition of the families of those lost in war was very inadequate." This observation and his personal commitment to veterans and their families led him to help create the Hershel Woody Williams Medal of Honor Foundation in 2012; and

Whereas, The activities of this foundation allow Corporal Williams to continue his devotion and commitment to those who have served and the Gold Star families who have lost loved ones. His foundation is focused on honoring Gold Star families and their fallen heroes by establishing Gold Star Families Memorial Monuments in communities in all 50 states, offering scholarships to Gold Star children, sponsoring outreach programs and events, and educating communities about Gold Star families and the sacrifices they have endured; and

Whereas, Corporal Williams also remains active, talking to church, youth, and veterans' groups, and has penned dozens of resolutions to help veterans and other causes in West Virginia and throughout the United States; and

Whereas, A celebration of life memorial service at the West Virginia State Capitol to be held upon the death of Hershel "Woody" Williams, West Virginia's last Medal of Honor recipient from World War II, would be a modest token of appreciation for the services he has rendered to this state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the West Virginia Legislature hereby requests the Governor of West Virginia, upon the death of Hershel 'Woody' Williams, West Virginia's last living Medal of Honor recipient from World War II, to hold a celebration of his life memorial service at the West Virginia State Capitol; and, be it

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

### **Petitions**

Delegates Robinson, Estep-Burton and Rowe presented a petition signed by members of Veterans of Foreign Wars, Post 8363, in support of H. C. R. 17, U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge; which was referred to the Committee on Technology and Infrastructure.

### **Motions**

Delegate Hornbuckle filed a written motion, that the Public Hearing for S. B. 451 heretofore announced, be moved to 5:30 p.m. on Monday, February 11, 2019.

Delegate Rowe arose to a point of order regarding whether the Committee on Finance could hold a public hearing if it has not yet received the bill.

To the point, the Speaker replied that the request for the public hearing was made jointly to the Committees on Education and Finance and that either committee may hold the hearing.



Delegate D. Kelly moved that the motion be amended to schedule two public hearings, one at 8:00 a.m., and one at 5:30 p.m.

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. 97**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion to amend the motion by Delegate Hornbuckle prevailed.

The question being on the motion by Delegate Hornbuckle, as amended, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 98**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

### **Bills Introduced**

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

**By Delegates Worrell, D. Kelly, Kessinger, Fast, Mandt, Harshbarger, Steele, Wilson, Hollen, Shott and Hanshaw (Mr. Speaker):**

**H. B. 2915** - “A Bill to amend and reenact §16-2I-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2I-2a; to amend said code by adding thereto a new article, designated §16-2P-1; and to amend said code by adding thereto a new article, designated §16-2Q-1 and §16-2Q-2, all relating to restricting the performance of abortions

and acquiring, providing, receiving, otherwise transferring, or using fetal body parts; providing exceptions and criminal penalties; placing requirements on physicians; and requiring rulemaking by the Board of Medicine”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Sponaugle, Barrett, Householder, Criss, Bates, Ellington, Pushkin, Skaff, Miley, Caputo and S. Brown:**

**H. B. 2916** - “A Bill to amend and reenact §60-8-2, §60-8-3, and §60-8-16 of the Code of West Virginia, 1931, as amended; and to add thereto a new section designated §60-8-4a, all relating to expanding the ability of hard cider manufactures to produce hard cider in this state; eliminating the requirement of a private wine restaurant to serve meals or food with the sale of wine; establishing a new tax classification for hard cider as a type of wine manufactured in this state; permitting federal tax credits to apply to the state tax for those producers who qualify; creating a fund for tax deposits; requiring reports to the Tax Commissioner; permitting a wine manufacturer to serve full pours of wine at festivals for which it is properly licensed; permitting any person or legal business entity to apply for a permit to sell wine in this state; permitting a United States resident, a permanent resident alien, or any other lawful person or entity permitted to conduct business in the United States apply for a license to sell wine in this state; and removing all resident requirements to apply for a permit to sell wine in this state”; to the Committee on the Judiciary then Finance.

**By Delegates Campbell, Paynter, R. Thompson, Hornbuckle, Lavender-Bowe, Pack, Skaff, C. Thompson and Evans:**

**H. B. 2917** - “A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to classroom teachers retaining seniority regardless of transfer to another county and classroom teachers subject to termination by reduction in workforce are permitted to retain any seniority accrued prior to termination if a position in any county that accrues seniority is secured within two years”; to the Committee on Education.

**By Delegates Campbell, Lavender-Bowe, Caputo, Boggs, Hornbuckle, R. Thompson, Skaff, Evans, Longstreth and Canestraro:**

**H. B. 2918** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-22, relating to imposing an additional assessment on certain real property; and requiring the additional tax be transferred into the Public Employees Insurance Agency Stability Fund”; to the Committee on Finance.

**By Delegates Barrett, Householder, Dean, Hornbuckle, Westfall, Rohrbach, Bibby, Campbell, Doyle, S. Brown and C. Thompson:**

**H. B. 2919** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48; and to amend and reenact §18-9A-2 of said code, all relating to establishing an Education Employees Fund; requiring county school boards to establish a fund; specifying purpose of expenditures from the fund; and allocating a portion of revenue from county levies”; to the Committee on Education.

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

**H. B. 2920** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new articles, designated §15-2F-1, §15-2F-2, §15-2F-3, §15-2F-4, §15-2F-5, §15-2F-6, §15-2F-7, §15-2F-8, §15-2F-9 and §15-2F-10; and §15-2G-1, §15-2G-2, §15-2G-3, §15-2G-4, §15-2G-5, §15-2G-6, §15-2G-7, §15-2G-8, §15-2G-9, §15-2G-10, §15-2G-11, §15-2G-12 and §15-2G-13, all relating to creating state and local law-enforcement review boards; members; complaint procedures; jurisdiction; disposition of complaint; final action; abrogation of rights; procedures for suspension and dismissal; procedural requirements; records and public disclosure; rules of procedure; and reports of the boards”; to the Committee on the Judiciary.

**By Delegates Campbell, R. Thompson, Skaff, C. Thompson, Evans and Longstreth:**

**H. B. 2921** - “A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended; and to amend and

reenact §18A-2-3 of said code, all relating to authorization for county boards of education to hire retired teachers to work in areas of critical need and shortage as substitute teachers; extending the authority to 2021; and clarifying that retired teachers working under the program will continue to receive retirement benefits”; to the Committee on Education.

**By Delegates Barrett, S. Brown and Canestraro:**

**H. B. 2022** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-407a, relating to authorizing a court to require participation and successful completion of a drug court program or drug treatment program in order for a defendant, pleading or being found guilty of possession of a controlled substance which is or contains a controlled substance listed in §60A-2-204 of this code, other than marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 containing an opioid or opiate to qualify for a final order of discharge and dismissal”; to the Committee on the Judiciary.

**By Delegates Jennings, J. Kelly, Graves, Kessinger, Cooper, J. Jeffries, Hanna, Mandt, Cadle and Hardy:**

**H. B. 2023** - “A Bill to amend and reenact §29-12-2, §29-12-3, §29-12-4, and §29-12-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-12-5d, all relating to reforming the practice of securing state insurance; reasserting the sovereign immunity of the State of West Virginia and the qualified immunity of its officers and employees as to any damages in excess of state insurance; providing for the process by which settlement of claims be approved; limiting attorney fees in instances of settlement of claims against state insurance or entry of final judgment for a claimant; establishing the extent of the amount of the state’s insurance coverage; establishing term limits for members of the state board of risk and insurance management; providing that the Insurance Commissioner submits the report of the board’s activities and providing for certain information to be contained in the report; providing that appointed members of the board of risk and insurance management serve at the pleasure of the Governor;

clarifying that the director of the Board of Insurance and Risk Management shall hold no other employment; requiring any person who files a claim against the state which is subject to state insurance to reimburse the state for its costs of defense in the event a verdict is entered for the state; and limiting attorney fees in settlement of claims”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Howell, Pack, C. Martin, Hamrick and Graves:**

**H. B. 2924** - “A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website to promote in-state tourism and to raise capital for technological improvements to the website; permitting 50 percent of the funds from such sale to be deposited into the Tourism Promotion Fund; and permitting 50 percent of the fund from such sale be remitted to the Division of Highways pursuant to the contract”; to the Committee on Government Organization.

**By Delegates Rowe, Robinson and Estep-Burton:**

**H. B. 2925** - “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 Rowe, Longstreth, Robinson, Estep-Burton, Pyles, Queen, Westfall, Bates, McGeehan, Evans and Miller:**

**H. B. 2926** - “A Bill to amend and reenact §9A-2-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Veterans’ Affairs to study the housing needs of veterans; and requiring a report”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

**By Delegates Miley, Householder, Cowles, Longstreth, Sponaule, Westfall, Walker, Queen, S. Brown, Hansen and Bates:**

**H. B. 2927** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit for a taxpayer family member of a child in the custody of the taxpayer due to the addiction of one or both parents; providing criteria for eligibility; and directing promulgation of rules by the Tax Commissioner”; to the Committee on Finance.

**By Delegates Foster, P. Martin and Criss:**

**H. B. 2928** - “A Bill to amend and reenact §29A-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; eliminating the commissions exemption from rulemaking requirements in Chapter 29A”; to the Committee on Government Organization then the Judiciary.

**By Delegates Howell, Pack, C. Martin and Hamrick:**

**H. B. 2929** - “A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers and highway rest areas and to create displays promoting in state tourism at the welcome centers and rest areas”; to the Committee on Government Organization.

**By Delegates Miley, Barrett, Caputo, Diserio and Robinson:**

**H. B. 2930** - “A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-15-26 of said code; and to amend and reenact §24A-2-2b of said code, all related to emergency vehicles; increasing penalties for failure to use due caution when approaching an emergency vehicle while using emergency signals; authorizing the use of red flashing lights by tow trucks and wreckers; and providing that Public Service Commission publish guidelines for use of certain safety equipment and a fee schedule for use of secondary vehicle”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Summers:**

**H. B. 2931** - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-10-1 of said code, all relating to nonlottery games, clarifying that the State Lottery Commission has no authority over nonlottery games, and clarifying that criminal penalties only extend to gaming tables and devices which involve consideration, prize and chance”; to the Committee on the Judiciary.

**By Delegates Barrett and Householder:**

**H. B. 2932** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-20-1a; to amend and reenact §47-20-2, §47-20-3, §47-20-5a, §47-20-6, and §47-20-6a of said code; to amend said code by adding thereto a new section designated §47-21-1a; to amend and reenact §47-21-2, §47-21-4, §47-21-7, §47-21-15, §47-21-20, and §47-21-28 of said code; to amend said code by adding thereto a new section designated §47-23-1a; and to amend and reenact §47-23-2, §47-23-7, §47-23-7a, §47-23-8, and §47-23-11 of said code, all relating to transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards and games from the State Tax Department to the State Lottery Commission”; to the Committee on Government Organization.

**By Delegate Shott:**

**H. B. 2933** - “A Bill to amend and reenact §61-8D-3 of the Code of West Virginia, 1931, as amended, relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury”; to the Committee on the Judiciary.

**By Delegates Barrett, Householder, Westfall, Bates, Graves, Fluharty, Criss, Sponaugle, Williams, Skaff and Storch:**

**H. B. 2934** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22E-1, §29-22E-2, §29-22E-3, §29-22E-4, §29-22E-5, §29-22E-6, §29-22E-7, §29-22E-8, §29-22E-9, §29-22E-10, §29-22E-11, §29-22E-12, §29-22E-13, §29-22E-14, §29-22E-15, §29-22E-16, §29-22E-17, §29-22E-18, §29-22E-19, §29-22E-20, §29-22E-21, §29-22E-

22, §29-22E-23, and §29-22E-24, all relating to permitting interactive wagering authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; requiring commission to levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross interactive wagering receipts and deposit them into the West Virginia Lottery Interactive Wagering Fund; limiting interactive wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting interactive wagering; requiring the posting of betting limits; authorizing interactive wagering agreements with other governments; providing powers and duties of commission and operators; limiting certain activities of employees; authorizing the West Virginia Lottery to levy and collect a privilege tax in the amount of 10 percent of adjusted gross interactive wagering receipts; requiring reports and submission of taxes; providing for certain carry over and carry back allowances; clarifying that tax is in lieu of certain other taxes; providing that certain expenditures related to interactive wagering are facility modernization improvements eligible for recoupment; providing that credits are not allowed against the privilege tax; creating the West Virginia Lottery Interactive Wagering Fund; authorizing the West Virginia Lottery to collect an administrative allowance from gross interactive wagering receipts; providing for distribution of moneys deposited in the West Virginia Lottery Interactive Wagering Fund; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations, and exception; prohibiting unauthorized interactive wagering in this state; establishing crimes related to unauthorized interactive wagering and imposing criminal penalties; establishing crimes related to authorized interactive wagering and imposing criminal penalties; preempting provisions from state and local law; and establishing certain exemptions from federal law”; to the Committee on the Judiciary then Finance.



**By Delegates Miley, C. Thompson, Rowe, Walker and Rohrbach:**

**H. B. 2935** - “A Bill to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic telescopic devices”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Pushkin, Rodighiero, Evans, Zukoff, Hill, Dean and Hornbuckle:**

**H. B. 2936** - “A Bill to amend and reenact §16A-6-13 of the Code of West Virginia, 1931, as amended, relating to medical cannabis organizations; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; and permitting dispensaries to be growers and processors”; to the Committee on the Judiciary.

**By Delegate Cowles:**

**H. B. 2937** - “A Bill to amend and reenact §38-14-4 of the Code of West Virginia, 1931, as amended, relating to increasing fees for late payment of self-storage rental fees”; to the Committee on Finance.

**By Delegates Hanna, Toney and C. Martin:**

**H. B. 2938** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; to amend said code by adding thereto a new article designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-33-1 and §18-33-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state and requiring county school districts to provide certain information to students; establishing the Governor’s Workforce Credential; establishing requirements for the Governor’s Workforce Credential; and mandating graduation recognition for recipients of credential”; to the Committee on Education.

**By Delegates Caputo, Boggs, Maynard, Pethtel, Longstreth, Sponaule, Hartman, Williams, Angelucci, Lovejoy and Stagers:**

**H. B. 2939** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto seven new sections designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4, §21-1E-5, §21-1E-6, and §21-1E-7, all relating to saving West Virginia call center jobs remaining in this state; providing for a short title; providing for definitions; providing for creation of a list of call centers that move overseas; providing for ineligibility for state grants or guaranteed loans; providing for in-state procurement; providing for state benefits to workers; providing for an effective date; and providing severability”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

**By Delegates Storch, D. Kelly, Howell, Miller, Steele and Canestraro:**

**H. B. 2940** - “A Bill to amend and reenact §62-1D-6, §62-1D-8 and 62-1D-9 of the Code of West Virginia, 1931, as amended, all relating to admissibility of evidence; including the crimes of treason, first and second degree murder, first degree robbery, and participation in an organized criminal enterprise to the list of crimes for which a prosecutor may apply for a court order authorizing interception of communications”; to the Committee on the Judiciary.

**By Delegates Graves, Higginbotham, Kessinger, Summers, Barrett, Lavender-Bowe, Storch, Steele and Queen:**

**H. B. 2941** - “A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; excluding short-term depreciation from credit; raising the minimum threshold of expenditures to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of

locations, music, and other resources to be made available to film production teams; establishing a coordinator position; requiring state agencies to solicit bids from West Virginia vendors for film or video projects; and making technical corrections throughout”; to the Committee on Finance.

**By Delegates Cadle, Cooper, Hardy, Paynter, Staggers, Westfall, Howell, Pack, Azinger, Wilson and Waxman:**

**H. B. 2942** - “A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the contents of driver’s license; and requiring that each license contain the license holder’s emergency contact information”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Hansen, Walker, Skaff, Estep-Burton, Byrd, Pushkin, Fleischauer, Pyles, Williams, Steele and Robinson:**

**H. B. 2943** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-6b, relating to allowing a wine specialty shop to deliver wine purchased at the shop without obtaining a direct shippers license under certain circumstances”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Fleischauer, Jennings, Angelucci, Pyles, Williams, D. Kelly, Sypolt, Miley, Walker, Hansen and Hamrick:**

**H. B. 2944** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to paving contracts; requiring the Commissioner of Highways to establish a pilot project in Division of Highways District 4 to evaluate alternate terms in paving contracts; requiring annual reports”; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Miley, Caputo, Lavender-Bowe, Householder, Nelson and Bates:**

**H. B. 2945** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-17, relating to vendors paying a single annual fee for a permit issued

by a local health department; providing that any permit fee is only required to be paid for the initial permit; and providing that any subsequent permits issued that year, by that or other local health department, the fee is waived”; to the Committee on Finance.

**By Delegates Criss, Hill, Wilson, Dean, Boggs, Harshbarger, J. Kelly, D. Kelly, Foster, Phillips and Cadle:**

**H. B. 2946** - “A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-18 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; cleaning up language regarding reference to other sections of the code regarding notice requirements for municipal utilities; and regarding the time period pertaining to the filing of appeals and the resolution of the appeals for rate and construction projects decided by county commissions”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Steele, Pack, Rohrbach and Atkinson:**

**H. B. 2947** - “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating generally to telemedicine prescription practice requirements and exceptions; allowing for physician submitted Schedule II telemedicine prescriptions for immediate administration in a hospital”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Westfall:**

**H. B. 2948** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1,

§19-37-2, §19-37-3, §19-37-4 and §19-37-5, all relating to creating the West Virginia Agriculture Investment Fund and the West Virginia Agriculture Investment Program; setting forth legislative findings; defining terms; establishing fund; and providing for rules”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Linville, Higginbotham, Harshbarger, D. Kelly, Hill, Cadle, Toney, Howell, Paynter and Cooper:**

**H. B. 2949** - “A Bill to amend and reenact §17B-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring applications for an instruction permit or a driver’s license desires to contain an option for contributions to the West Virginia Department of Veterans Assistance in the following amounts: \$3, \$5, \$10, and a fourth option left blank so that a contribution in another amount may be made by the applicant”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Barrett, Hardy, Householder, Sponaugle and Williams:**

**H. B. 2950** - “A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds”; to the Committee on Finance.

**By Delegates Howell, Pack, C. Martin, D. Jeffries, Ellington, Staggers, Hill and Hansen:**

**H. B. 2951** - “A Bill to amend and reenact §30-1-1 of the Code of West Virginia, 1931, as amended; to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-3-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15 and §30-2-16 and redesignate as §30A-1-1, §30A-1-2,

§30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30a-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15, §30A-1-16, and §30A-1-17; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-16, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-23, §30-6-24, §30-6-22, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 and redesignate as §30A-2-1, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2A-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-16, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, and §30A-2-31; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-16, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, 30-9-33 and §30-9-34 and redesignate as §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-12, §30A-3-13, §30A-3-14, §30A-3-15, §30A-3-16, §30A-3-17, §30A-3-18, §30A-3-19, §30A-3-20, §30A-3-21, §30A-3-22, §30A-3-23, §30A-3-24, §30A-3-25, §30A-3-26, §30A-3-27, §30A-3-28, §30A-3-29, §30A-3-30, §30A-3-31, §30A-3-33, and §30A-3-34; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 and redesignate as §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-11a, §30A-4-12, §30A-4-13, and §30A-4-14; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24 and redesignate as §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-13a, §30A-5-14, §30A-5-

15, §30A-5-16, §30A-5-17, §30A-5-18, §30A-5-19, §30A-5-20, §30A-5-21, §30A-5-22, §30A-5-23, and §30A-5-24 ; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25, and redesignate as §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-18, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 and redesignate as §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, and §30A-7-13; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17 and redesignate as §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, and §30A-8-17; to repeal §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6, and §30-20A-7 and redesignate as §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, and §30A-9-7; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28, and redesignate as §30A-10-1, §30A-10-2, §30A-10-3, §30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, §30A-10-18, §30A-10-19, §30A-10-20, §30A-10-21, §30A-10-22, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, and §30A-10-28, to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-

9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 and redesignate as §30A-11-1, §30A-11-2, §30A-11-3, §30A-11-4, §30A-11-5, §30A-11-6, §30A-11-7, §30A-11-8, §30A-11-9, §30A-11-10, §30A-11-11, §30A-11-12, §30A-11-13, §30A-11-14, §30A-11-15, §30A-11-16, §30A-11-17, and 30A-11-18; to repeal §30-26-1, §30-26-2, §30-26-3, §30-26-4, §30-26-5, §30-26-6, §30-26-7, §30-26-8, §30-26-9, §30-26-10, §30-26-11, §30-26-12, §30-26-13, §30-26-14, §30-26-15, §30-26-16, §30-26-17, §30-26-18, §30-26-19, and §30-26-20 and redesignate as §30A-12-1, §30A-12-2, §30A-12-3, §30A-12-4, §30A-12-5, §30A-12-6, §30A-12-7, §30A-12-8, §30A-12-9, §30A-12-10, §30A-12-11, §30A-12-12, §30A-12-13, §30A-12-14, §30A-12-15, §30A-12-16, §30A-12-17, §30A-12-18, §30A-12-19, and §30A-12-20; to repeal §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 and redesignate as §30A-13-1, §30A-13-2, §30A-13-3, §30A-13-4, §30A-13-5, §30A-13-6, §30A-13-7, §30A-13-8, §30A-13-8a, §30A-13-8b, §30A-13-9, §30A-13-10, §30A-13-11, §30A-13-11a, §30A-13-12, §30A-13-13, §30A-13-14, §30A-13-15, §30A-13-16, §30A-13-17, §30A-13-18, §30A-13-19, §30A-13-20, §30A-13-21, §30A-13-22, §30A-13-23, and §30A-13-24; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 and redesignate as §30A-14-1, §30A-14-2, §30A-14-3, §30A-14-4, §30A-14-5, §30A-14-6, §30A-14-7, §30A-14-8, §30A-14-9, §30A-14-10, §30A-14-11, §30A-14-12, and §30A-14-13; to repeal §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5, §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11, §30-30-12, §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18, §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24, §30-30-25, §30-30-26, §30-30-27, §30-30-28, and §30-30-29 and redesignate as §30A-15-1, §30A-15-2, §30A-15-3, §30A-15-4, §30A-15-5, §30A-15-6, §30A-15-7, §30A-15-8, §30A-15-9, §30A-15-10, §30A-15-11, §30A-15-12, §30A-15-13, §30A-15-14, §30A-15-15, §30A-15-16, §30A-15-17, §30A-15-18, §30A-15-19,



§30A-15-20, §30A-15-21, §30A-15-22, §30A-15-23, §30A-15-24, §30A-15-25, §30A-15-26, §30A-15-27, §30A-15-28, and §30A-15-29; to repeal §30-31-1, §30-31-2, §30-31-3, §30-31-4, §30-31-5, §30-31-6, §30-31-7, §30-31-8, §30-31-9, §30-31-10, §30-31-11, §30-31-12, §30-31-13, §30-31-14, §30-31-15, §30-31-16, and §30-31-17 and redesignate as §30A-16-1, §30A-16-2, §30A-16-3, §30A-16-4, §30A-16-5, §30A-16-6, §30A-16-7, §30A-16-8, §30A-16-9, §30A-16-10, §30A-16-11, §30A-16-12, §30A-16-13, §30A-16-14, §30A-16-15, §30A-16-16, and §30A-16-17; to repeal §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-16-, §30-32-19, §30-32-20, §30-32-21, §30-32-22, and §30-32-23 and redesignate as §30A-17-1, §30A-17-2, §30A-17-3, §30A-17-4, §30A-17-5, §30A-17-6, §30A-17-7, §30A-17-8, §30A-17-9, §30A-17-10, §30A-17-11, §30A-17-12, §30A-17-13, §30A-17-14, §30A-17-15, §30A-17-16, §30A-17-17, §30A-17-18, §30A-17-19, §30A-17-20, §30A-17-21, §30A-17-22, and §30A-17-23; to repeal §30-36-1, §30-36-2, §30-36-3, §30-36-4, §30-36-5, §30-36-6, §30-36-7, §30-36-8, §30-36-9, §30-36-10, §30-36-11, §30-36-12, §30-36-13, §30-36-14, §30-36-15, §30-36-16, §30-36-17, §30-36-18, and §30-36-19, and redesignate as §30A-18-1, §30A-18-2, §30A-18-3, §30A-18-4, §30A-18-5, §30A-18-6, §30A-18-7, §30A-18-8, §30A-18-9, §30A-18-10, §30A-18-11, §30A-18-12, §30A-18-13, §30A-18-14, §30A-18-15, §30A-18-16, §30A-18-17, §30A-18-18, and §30A-18-19; to repeal §30-37-1, §30-37-2, §30-37-3, §30-37-4, §30-37-5, §30-37-6, §30-37-7, §30-37-8, §30-37-9, §30-37-10, and §30-37-11 and redesignate as §30A-19-1, §30A-19-2, §30A-19-3, §30A-19-4, §30A-19-5, §30A-19-6, §30A-19-7, §30A-19-8, §30A-19-9, §30A-19-10, and §30A-19-11; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 and redesignate as §30A-20-1, §30A-20-2, §30A-20-3, §30A-20-4, §30A-20-5, §30A-20-6, §30A-20-7, §30A-20-8, §30A-20-9, §30A-20-10, §30A-20-11, §30A-20-12, §30A-20-13, §30A-20-14, §30A-20-15, §30A-20-16, §30A-20-17, §30A-20-18, and §30A-20-19; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-

38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 and redesignate as §30A-21-1, §30A-21-2, §30A-21-3, §30A-21-4, §30A-21-5, §30A-21-6, §30A-21-7, §30A-21-8, §30A-21-9, §30A-21-10, §30A-21-11, §30A-21-12, §30A-21-13, §30A-21-14, §30A-21-15, §30A-21-16, and §30A-21-17; and to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and §30-39-21 and redesignate as §30A-22-1, §30A-22-2, §30A-22-3, §30A-22-4, §30A-22-5, §30A-22-6, §30A-22-7, §30A-22-8, §30A-22-9, §30A-22-10, §30A-22-11, §30A-22-12, §30A-22-13, §30A-22-14, §30A-22-15, §30A-22-16, §30A-22-17, §30A-22-18, §30A-22-19, §30A-22-20, and §30A-22-21 to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 and redesignate as §30A-23-1, §30A-23-2, §30A-23-3, §30A-23-4, §30A-23-5, §30A-23-6, §30A-23-7, §30A-23-8, §30A-23-9, §30A-23-10, §30A-23-11, §30A-23-12, §30A-23-13, §30A-23-14, §30A-23-15, §30A-23-16, §30A-23-17, §30A-23-18, §30A-23-19, §30A-23-20, §30A-23-21, §30A-23-22, §30A-23-23, §30A-23-24, §30A-23-25, §30A-23-26, and §30A-23-27, all relating to placing the regulation of non-medical professions and occupations in a new chapter 30A, leaving the regulation of all medically related professions and occupations in chapter 30 and making no substantive changes in any of these laws”; to the Committee on Government Organization.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for S. B. 240**, Repealing certain legislative rules no longer authorized or are obsolete; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk, on page two, after the enacting clause, by striking out the remainder of the bill and inserting the following in lieu thereof the following:

**“ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.**

**§64-12-1. Department of Administration.**

The legislative rule effective March 18, 2002, authorized under the authority of §12-3-10a of this code, relating to the Department of Administration (state Purchasing Card Program, 148 CSR 7), is repealed.

**§64-12-2. Department of Environmental Protection.**

(a) The legislative rule effective June 1, 1995, authorized under the authority of §22-1-3 of this code, relating to the Department of Environmental Protection (abandoned mine lands reclamation rule, 59 CSR 1), is repealed.

(b) The legislative rule effective May 10, 2001, authorized under the authority of §22-1-3 of this code, relating to the Department of Environmental Protection (certification of gas wells, 35 CSR 7), is repealed.

**§64-12-3. Department of Military Affairs and Public Safety.**

(a) The legislative rule effective October 8, 1994, authorized under the authority of §31-20-5(v) of this code, relating to the Regional Jail and Correctional Facility Authority (handbook of inmate rules and procedures, 94 CSR 5), is repealed.

(b) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-29 of this code, relating to the Regional Jail and Correctional Facility Authority (furlough program for regional jails, 94 CSR 6), is repealed.

(c) The legislative rule effective April 28, 2014, authorized under the authority of §31-20-10(h) of this code, relating to the

Regional Jail and Correctional Facility Authority (criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority, 94 CSR 7), is repealed.

(d) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-31 of this code, relating to the Regional Jail and Correctional Facility Authority (work program for regional jail inmates, 94 CSR 8), is repealed.

(e) The legislative rule effective June 3, 1996, authorized under the authority of §31-20-9 of this code, relating to the Regional Jail and Correctional Facility Authority (West Virginia minimum standards for construction, operation, and maintenance of jails, 95 CSR 1), is repealed.

#### **§64-12-4. Department of Tax and Revenue.**

(a) The legislative rule effective May 31, 1991, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (health insurance benefits for temporomandibular and craniomandibular disorders, 114 CSR 29), is repealed.

(b) The legislative rule effective April 29, 2008, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (guaranteed loss ratios as applied to individual sickness and accident insurance policies, 114 CSR 31), is repealed.

(c) The legislative rule effective July 1, 2002, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (external review of coverage denials, 114 CSR 58), is repealed.

(d) The legislative rule effective April 14, 2010, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (mental health parity, 114 CSR 64), is repealed.

(e) The legislative rule effective May 6, 2005, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (small employer eligibility requirements, 114 CSR 73), is repealed.

**§64-12-5. Department of Transportation.**

The legislative rule effective April 2, 1986, authorized under the authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (eligibility for reinstatement following suspension or revocation of driving privileges, 91 CSR 16), is repealed.

**§64-12-6. Miscellaneous agencies, boards, and commissions.**

The legislative rule effective July 1, 2013, authorized under the authority of §30-30-6 of this code, relating to the Board of Social Work Examiners (applications, 25 CSR 4), is repealed.

**§64-12-7. Bureau of Commerce.**

(a) The legislative rule effective April 25, 1984, authorized under the authority of §21-3-18 of this code, relating to the Division of Labor (hazardous chemical substances, 42 CSR 4), is repealed.

(b) The legislative rule effective August 6, 1971, authorized under the authority of §47-5-1 of this code, relating to the Division of Labor (Safety Glazing Act, 42 CSR 13), is repealed.”

On motion of Delegate Fleischauer, the amendment recommended by the Committee on the Judiciary was amended on page two, section four, lines ten through twelve, by striking out subsection (d) in its entirety, and re-lettering the subsequent subsection accordingly.

And,

On page three, section seven, lines one through three, by striking out subsection (a) in its entirety, and re-lettering the subsequent subsection accordingly.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 99**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Rowe.

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 240) passed.

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

**Com. Sub. for S. B. 240** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, and §64-12-7, all relating generally to repealing certain legislative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies and commissions under the Department of Administration, Department of Environmental Protection, Department of Military Affairs and Public Safety, Department of Tax and Revenue, Department of Transportation, miscellaneous agencies, boards, and commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing the Department of Administration legislative rule relating to the state Purchasing Card Program; repealing the Department of Environmental Protection legislative rule relating to abandoned mine lands reclamation; repealing the Department of Environmental Protection legislative rule relating to certification of gas wells; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to handbook of inmate rules and procedures; repealing the Regional Jail and Correctional Facility

Authority legislative rule relating to furlough program for regional jails; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to work program for regional jail inmates; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to West Virginia minimum standards for construction, operation, and maintenance of jails; repealing the Insurance Commission legislative rule relating to health insurance benefits for temporomandibular and craniomandibular disorders; repealing the Insurance Commission legislative rule relating to guaranteed loss ratios as applied to individual sickness and accident insurance policies; repealing the Insurance Commission legislative rule relating to external review of coverage denials; repealing the Insurance Commission legislative rule relating to small employer eligibility requirements; repealing the Division of Motor Vehicles legislative rule relating to eligibility for reinstatement following suspension or revocation of driving privileges; repealing the Board of Social Work Examiners legislative rule relating to applications; and repealing the Division of Labor legislative rule relating to the Safety Glazing Act.”

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

On this question, the yeas and nays were taken (**Roll No. 100**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

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 S. B. 240) 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.

**S. B. 354**, Expiring funds to balance of Auditor's Office - Chief Inspector's Fund; 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. 101**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 354) passed.

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

On this question, the yeas and nays were taken (**Roll No. 102**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 354) takes effect from its passage.

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

**Com. Sub. for H. B. 2392**, Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events; 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. 103**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Azinger, Fast, Hollen, D. Jeffries, Porterfield and Worrell.



Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2392) 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. 2528**, Relating to employees of the Commissioner of Agriculture; on third reading, coming up in regular order, was, on motion of Delegate Summers, laid upon the table.

**Com. Sub. for H. B. 2545**, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on Com. Sub. for H. B. 2545 under the provisions of House Rule 49.

The Speaker replied 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. 104**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2545) 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. 2546**, Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity; 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. 105**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2546) 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. 2554**, Relating to transfers and enrollment policies for students in public schools; 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. 106**), and there were—yeas 61, nays 35, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, D. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Pethtel, Pyles, Robinson, Rodighiero, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2554) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 107**), and there were—yeas 75, nays 21, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Campbell, Canestraro, Diserio, Fleischauer, Hansen, Hartman, Lavender-Bowe, Longstreth, Lovejoy, Miller, Pethtel, Pyles, Rodighiero, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

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. 2554) takes effect July 1, 2019.

*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. 2601**, Relating to the review and approval of state property leases; 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. 108**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2601) 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. 2696**, Creating an additional index system for state-owned lands; 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. 109**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2696) 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. 2737**, Relating to training of State Tax Division employees; 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. 110**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2737) 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. 2740**, Barring a parent from inheriting from a child in certain instances; 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. 111**), 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: Byrd, Caputo, Doyle, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2740) 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. 2746**, Relating to administration of estates; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

On motion of Delegate Shott, the bill was amended on page six, section twenty-four, line sixty-nine, immediately before the words "In addition", by inserting "(d)", thus creating a new subsection.

On motion of Delegate Fast, the bill was amended on page three, section nineteen-a, line fifty-five, by deleting subdivision (5) in its entirety.

And,

On page six, section twenty-four, line fifty-eight, by deleting subdivision (5) in its entirety.

There being no further amendments, and having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 112**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2746) 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. 2759**, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration; 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. 113**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2759) 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. 2815**, Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny; 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. 114**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Howell, J. Jeffries, C. Martin, P. Martin, Pack and Phillips.

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2815) 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. 267**, Requiring State Board of Education adopt policy detailing level of computer science instruction; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation; 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. 2468**, Department of Agriculture Capital Improvements Fund; 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. 2583**, Family Planning Access Act; 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. 2661**, Relating to natural gas utilities; 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. 2809**, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, section eight, line fifty- six, by striking out the words "not less than".

And,

On page three, section eight, line sixty-one, by striking out the words “not less than”.

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. 2330**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

**Com. Sub. for H. B. 2405**, Imposing a healthcare related provider tax on certain health care organizations,

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

**Com. Sub. for H. B. 2674**, Creating a student loan repayment program for a mental health provider,

**Com. Sub. for H. B. 2734**, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities,

And,

**Com. Sub. for H. B. 2813**, Relating generally to collection of use tax.

#### **Leaves of Absence**

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



**Miscellaneous Business**

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

- Remarks of Delegate Miller during Remarks by Members
- The prayer today by Rabbi Victor Urecki

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

- Delegate Porterfield for H. B. 2338, H. B. 2690 and H. B. 2909
- Delegates Angelucci, Diserio, Estep-Burton, Hansen, Pushkin, Rohrbach, Rowe and Walker for H. B. 2341
- Delegate Wilson for H. B. 2801
- Delegate Lovejoy for H. B. 2173, H. B. 2887 and H. B. 2902
- Delegate Campbell for H. B. 2935
- Delegate Doyle for H. B. 2941
- Delegate Longstreth for H. B. 2950

Pursuant to House Rule 94b, Delegate Sypolt filed a form with the Clerk's Office to be removed as a cosponsor of the H. B. 2511.

At 1:03 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 11, 2019.



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Monday, February 11, 2019

**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 8, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on Education has had under consideration:

**Com. Sub. for S. B. 451**, Comprehensive education reform,

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. 451) was referred to the Committee on Finance.

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. 2673**, Creating the Oil and Gas Abandoned Well Plugging Fund,

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

**Com. Sub. for H. B. 2673** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-29a, all relating to creating the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells without a responsible operator; providing for administration of the fund; requiring fees to be deposited in the fund; providing for civil penalties for late payment of fees; providing specific purposes and limitations for use of the fund; providing fees imposed for the fund may not be collected in certain instances; modifying imposition of the tax on the privilege of severing natural gas or oil by marginal oil and gas wells; providing exemptions from the severance tax; providing exclusions from filing oil and gas severance tax returns; deleting a subsection of the code which expired by its own terms; providing reporting requirements for the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund; and providing a short title,”

**H. B. 2793**, Expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program,

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

**Com. Sub. for H. B. 2793** - “A Bill to amend and reenact §18-30-2, §18-30-3, §18-30-4, and §18-30-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia College Prepaid Tuition and Savings Program; expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program; and adding the Superintendent of the Department of Education and a member to represent private institutions of higher education to the Board of the College Prepaid Tuition and Savings Program,”

**H. B. 2821**, Updating provisions for command, clerical and other pay,

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

**Com. Sub. for H. B. 2821** - “A Bill to amend and reenact §15-1B-17 of the Code of West Virginia, 1931, as amended, relating to command and clerical pay for certain national guard members; providing for commander pay clerical work for command, clerical and other pay,”

And,

**H. B. 2848**, Relating to the West Virginia ABLE Act,

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

**Com. Sub. for H. B. 2848** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12i; and to amend and reenact §16-48-3 and §16-48-6 of said code, all relating to the West Virginia ABLE Act accounts and the moneys deposited therein; adding and clarifying definitions to conform to federal law; adding an attorney in fact and a parent to the persons authorized to create or manage a West Virginia ABLE accounts as permitted by federal law; amending the age of eligible individuals to conform to federal law; clarifying that a guardian may manage an ABLE account regardless of the amount of a designated beneficiary’s assets and that the Department of Health and Human Resources may not manage an ABLE account; adding a federal employer identification number to the items required in an application; authorizing the maximum account value to be the value established by the state of the program manager contracting with the Treasurer; clarifying that moneys in a West Virginia ABLE account or a qualified withdrawal are to be disregarded when determining eligibility for or the amount of public assistance unless required by federal law, moneys in an account or a qualified withdrawal are not subject to claims by the Department of Health and Human Resources unless required by

federal law, and on the death of a designed beneficiary moneys in an account are transferred to the estate of the designated beneficiary unless prohibited by federal law; and authorizes contributions to West Virginia ABLE accounts to be subtracted from federal adjusted gross income for purposes of West Virginia personal income taxes and the recapture of amounts subtracted if account funds are used for purposes other than a qualified disability expense; and making various technical revisions,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

**H. B. 2739**, Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board,

And,

**H. B. 2743**, Eliminating reference to municipal policemen’s pension and relief funds and firemen’s pension and relief funds in section restricting investment,

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

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

Your Committee on Finance has had under consideration:

**H. B. 2819**, Relating generally to contractors,

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

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 8<sup>th</sup> day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**S. B. 177**, Fire Commission rule relating to State Building Code,

And,

**Com. Sub. for S. B. 255**, Relating to Emergency Medical Services Advisory Committee.

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

**By Delegates Pack, Howell, Pyles, J. Jeffries, Phillips, Hott, Hansen, Tomblin, Nelson, C. Martin and Sybolt:**

**H. B. 2992** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to governmental websites; requiring executive branch agencies maintain a website that contains specific information; requiring county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; requiring municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology."

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. 2692**, Relating to primary elections and procedures,

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

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

Your Committee on Government Organization has had under consideration:

**H. B. 2338**, Allowing the owner of an antique military vehicle to display alternate registration insignia,

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

**Com. Sub. for H. B. 2338** - "A Bill to amend and reenact §17A-10-3a the Code of West Virginia, 1931, as amended, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle's original markings in lieu of a registration plate,"

And,

**H. B. 2359**, Relating to exemptions to the commercial driver's license requirements,

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

**Com. Sub. for H. B. 2359** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-8a relating to providing for a restricted commercial driver's license for motor vehicle operators employed with a farm related service industry,"

With the recommendation that the committee substitutes each do pass.

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:

**H. B. 2621**, Relating to background checks of certain financial institutions,

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. 2621) was referred to the Committee on the Judiciary.

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:

**H. B. 2807**, Creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations engaged in banking,

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. 2807) 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. 2709**, Relating to hunting licenses,

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. 2173**, Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance,

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

**Com. Sub. for H. B. 2173** - “A Bill to amend and reenact §62-1D-6 and §62-1D-9 of the Code of West Virginia, 1931, relating to allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance obtained in state court in criminal proceedings both in state courts and federal courts; and providing that certain information that had previously been excluded may now be used for obtaining an arrest warrant or an indictment,”

And,

**H. B. 2715**, Relating to Class Q special hunting permit for disabled persons,

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

**Com. Sub. for H. B. 2715** - “A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating to Class Q special hunting permit for disabled persons; expanding the conditions of permanent disability for which an individual can obtain a Class Q permit; and providing that physician assistants and advanced practice registered nurses may certify Class Q permit applications,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 8, 2019, he approved **S. B. 119**.

### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates to the Senate amendment and requested the House to recede from its amendment to

**H. B. 2351**, Relating to regulating prior authorizations.

On motion of Delegate Summers, the House of Delegates refused to recede from its amendment and requested the Senate to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Ellington, Hollen and Stagers.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

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

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

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

**§15A-3-10. Law-enforcement powers of employees; authority to carry firearms.**

(a) Other than as outlined in this section, a correctional officer employed by the division is not a law-enforcement officer as that term is defined in §30-29-1 of this code.

(b) The commissioner is a law-enforcement official, and has the authority to use, and permit and allow or disallow his or her designated employees to use, publicly provided carriage to travel from their residences to their workplace and return: *Provided*, That the usage is subject to the supervision of the commissioner and is directly connected with and required by the nature and in the performance of the official’s or designated employee’s duties and responsibilities.

(c) All employees of the division are responsible for enforcing rules and laws necessary for the control and management of correctional units and the maintenance of public safety that is within the scope of responsibilities of the division.

(d) Persons employed by the Division of Corrections and Rehabilitation as correctional officers are ~~hereby~~ authorized and empowered to make arrests of persons already charged with a violation of law who surrender themselves to the correctional officer, to arrest persons already in the custody of the division for violations of law occurring in the officer’s presence, to detain persons for violations of state law committed on the property of any facility under the jurisdiction of the commissioner, and to conduct investigations, pursue, and apprehend escapees from the custody of a facility of the division.

(e) The commissioner may designate correctional employees as correctional peace officers who have the authority:

(1) To detain persons for violations of state law committed on the property of any state correctional institution;

(2) To conduct investigations regarding criminal activity occurring within a correctional facility;

(3) To execute criminal process or other process in furtherance of these duties; and

(4) To apply for, obtain, and execute search warrants necessary for the completion of his or her duties and responsibilities.

(f) The Corrections Special Operations Team is ~~hereby established~~ ~~continued~~ and ~~shall consist~~ consists of the Corrections Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the former Division of Corrections. The Corrections Special Operations Team serves as the first responder necessary for the protection of life, liberty, and property. It ~~shall have~~ has limited law-enforcement authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility under the care and control of the commissioner: *Provided*, That at any time the Corrections Special Operations Team is apprehending an escapee or an absconder outside the confinement of the facility grounds, it does so with the assistance and cooperation of local law enforcement or the West Virginia State Police.

(g) Notwithstanding any provision of this code to the contrary, the commissioner may issue a certificate authorizing any correctional employee who has successfully completed the division's training program for firearms certification to carry a firearm in the performance of his or her official duties. The training program shall be approved by the commissioner and be equivalent to the training requirements applicable to deputy sheriffs for the use and handling of firearms. Any correctional employee authorized to do so by the commissioner may carry division-issued firearms while in the performance of his or her official duties, which shall include travel to and from work sites. To maintain certification, a correctional employee must successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by the law enforcement professional standards program. The certificate shall be on a form prescribed by the commissioner and shall bear his or her official signature."

And,

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

**H. B. 2462** - “A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the carrying of firearms by correctional employees; providing that after successful completion of designated firearms training, the commissioner may issue a certificate to carry division-issued firearms to correctional employees; establishing that authorized correctional employees may carry division-issued firearms during performance of official duties and when traveling to and from work; establishing the commissioner’s firearm training program must be equivalent to the firearms training requirements for deputy sheriffs; requiring that the correctional employee must successfully complete an annual designated firearms course as established by the law enforcement professional standards program to maintain the certificate; and providing the certificate bearing the commissioner’s signature shall be in a form prescribed by the commissioner.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 115**), 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: J. Kelly, Kump and Rodighiero.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2462) passed.

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

A message from the Senate, by

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

**S. B. 16** - “A Bill to authorize the expenditure of surplus funds by the Wyoming County Commission”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 30** - “A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer”; which was referred to the Committee on Banking and Insurance 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. 90** - “A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating to the Safety and Treatment Program; transferring the program from the Department of Health and Human Resources to the Division of Motor Vehicles; adding grievance and appellate procedures and judicial review for individuals participating in the Safety and Treatment Program; authorizing the Commissioner of the Division of Motor Vehicles to promulgate rules to add such procedures and judicial review for participants; and amending internal code references”; 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. 237** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5,

§15-3C-6, §15-3C-7, and §15-3C-8, all relating generally to missing and unidentified persons investigations; establishing a short title; declaring legislative findings; defining terms; detailing actions that must be taken by law-enforcement agencies following the receipt of a missing persons complaint and during a missing persons investigation; detailing actions that must be taken by medical examiners and law-enforcement agencies related to identification of human remains; requiring the timely notification to family members of identification of human remains; requiring submission of information to certain national and state databases; and creating a misdemeanor offense of knowingly and willfully filing a false missing persons report with a law-enforcement agency”; 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. 263** - “A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted”; 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. 323** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the Department of Agriculture Capital Improvements Fund; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal



year; eliminating certain deposits in the General Revenue Fund; permitting deposits into certain funds; and making technical corrections.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 323) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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. 343** - “A Bill to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-10-12, all relating to the review and approval of state property leases by requiring two signatures; and reviewing and approving the lease of state property to nongovernmental entities”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 346** - “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”; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 356** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-7, relating generally to compliance with

judicial discovery requirements in state and federal criminal cases; requiring the Department of Military Affairs and Public Safety and the agencies therewithin to provide to state and federal prosecutors information regarding certain past or present employees called as witnesses for the prosecution who have been previously determined to have engaged in conduct which might reasonably constitute impeachment evidence; requiring disclosure of the employee's name to the prosecuting attorney or United States attorney; limiting the department's or agency's responsibilities to those circumstances wherein the department or agency is on notice that the employee has been subpoenaed or is to be called as a prosecution witness; clarifying that the responsibilities imposed by this section upon the department or agency are met by transmittal of the name to the prosecuting attorney or attorney for the United States; granting immunity to the department and agencies for good faith compliance with the requirement to provide information; and clarifying that the immunity granted by the section is in addition to any other immunities granted under law"; 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

**S. B. 453** - "A Bill to amend and reenact §31A-2-4 of the Code of West Virginia, 1931, as amended, relating to background checks of certain financial institutions; allowing commissioner to accept alternate report forms in limited circumstances for certain non-United States based principals or owners; and making technical corrections"; which was referred to the Committee on Banking and Insurance then the Judiciary.

### **Resolutions Introduced**

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

**H. C. R. 60** - “Recognizing the importance of the upcoming 2020 census and calling upon the Governor to establish a ‘Complete Count Commission’”.

Whereas, The United States Constitution mandates that a census be conducted every 10 years in Article 1, Section 2; and

Whereas, The first census took place in 1790 and there have been 22 national censuses taken since, with the next census scheduled for 2020; and

Whereas, The Bureau of the Census in the United States Department of Commerce is responsible for conducting the census and the federal government is charged with funding the cost of the census; and

Whereas, It takes the cooperation and investment of state and local governments working in conjunction with the federal government to ensure that the census is fully executed and represents a complete and accurate count of the people within each jurisdiction; and

Whereas, The results of the census are the foundation for many important decisions made by federal and state government, including the disbursement of federal funds to states based on population; and

Whereas, An under counting of West Virginians could result in the loss of federal dollars; and

Whereas, It will take the collaboration of community leaders, faith organizations, nonprofit organizations, local government, legislative leaders and the Governor of the State of West Virginia to raise the public’s awareness of the importance of the census and to find ways to support the census efforts; therefore, be it

*Resolved by the Legislature of West Virginia:*

The Legislature hereby recognizes the importance of the 2020 census and calls on state and local government to begin preparing their communities for the 2020 census; and, be it

*Further Resolved*, That the Legislature hereby calls on Governor Justice to establish a “Complete Count Commission” comprised of legislative leaders, executive branch officials, community leaders, representatives of faith-based and nonprofit organizations, representatives of local government and representatives of historically undercounted populations to ensure that the State of West Virginia is properly and fully counted in the 2020 census.

Delegate Pack offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

**H. C. R. 61** - “Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States and to limit the terms of office that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate.”

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other States to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States of America until the legislatures of at least two-thirds of the several states have made applications on the same subject; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby petitions and urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives or as a Member of the United States Senate; and, be it

*Further Resolved,* That the Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate of the United States and to the Speaker, Clerk and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Delegate 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. 62** - "Requesting the Division of Highways name bridge number 20-77/1-0.70 (20A237), locally known as Lower Fields Creek Bridge, carrying County Route 71/1 over Fields Creek in Kanawha County, the 'U.S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge'."

Whereas, Michael Linn Cooper, the son of Joseph A. and Eula T. Cooper of Chesapeake, Kanawha County, West Virginia, was born March 1, 1949; and

Whereas, Michael Linn Cooper enlisted in the United States Marine Corps on August 9, 1967, in Ashland, Kentucky achieving the rank of Lance Corporal; and

Whereas, LCpl Cooper arrived in Vietnam on February 16, 1968, where he began serving with Company E, 2<sup>nd</sup> Battalion, 27<sup>th</sup> Marines, 1<sup>st</sup> Marine Division, (REIN) FMF; and

Whereas, During the month of August the battalion continued to patrol the “Rocket Belt” of their area of responsibility that surrounded the Da Nang Military Complex in Quang Nam Province; and

Whereas, On August 24, 1968, during an ongoing joint operation with the 51<sup>st</sup> ARVN Regiment in the vicinity of the Qua Giang village complex and the Cam Le Bridge, the Marines engaged the enemy in battle. During the firefight LCpl Cooper was killed in action after receiving multiple fragmentation wounds; and

Whereas, It is appropriate to honor this Marine and his family for their sacrifice to the nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-77/1-0.70 (20A237), locally known as Lower Fields Creek Bridge, carrying County Route 71/1 over Fields Creek in Kanawha County, the “U.S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is requested to have made and erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “U.S. Marine Corps LCpl Michael Linn Cooper 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 Hartman, C. Thompson, Sponaugle, Staggers and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 63** - "Requesting the Division of Highways name a section of U.S. Route 250 from its intersection with U.S. 219 at Huttonsville, West Virginia, south to the Pocahontas County Line at Randolph County, the 'U.S. Army SSG Boggs G. Collins Memorial Road'."

Whereas, Boggs G. Collins was born to Forrest and Maude Boggs Collins in Huttonsville, West Virginia, on September 21, 1916; and

Whereas, Boggs G. Collins entered the U.S. Army at Ft. Hayes, Columbus, Ohio, on 12 February 1942. He was assigned to the 509<sup>th</sup> PIB, later redesignated as the 2<sup>nd</sup> Battalion, 509<sup>th</sup> Parachute Infantry Regiment; and

Whereas, SSG Collins participated in airborne combat missions in North Africa and in Italy at Avelino. He also participated in two amphibious operations at Naples and Anzio beachheads. On August 15, 1944, SSG Collins also participated in the lead combat team for the airborne jump into southern France, and was one of about 50 survivors of the original 700 who entered the battle near St. Vith, Belgium; and

Whereas, SSG Collins was awarded the Distinguished Service Cross (DSC) for extraordinary heroism in action on the night of 15-16 March 1944 near Carano, Italy. When his company was relieved from action, he voluntarily remained behind to assist the relieving company in the installation of an automatic rifle position. The enemy suddenly launched a counterattack to regain lost ground and upon finding the machine gun destroyed, SSG Collins crawled back to another machine gun position. In spite of overwhelming enemy fire superiority he decided to remain in the forward area and applying immediate action, he returned fire. He drove off the enemy, capturing two and killing several others. SSG Collins captured two more Germans while returning to friendly lines. By

his willingness to remain at his position after being relieved, SSG Collins was largely responsible for the complete disruption of an enemy counterattack. He was awarded the DSC by Mark Clark, Lieutenant General, Fifth Army, Commanding; and

Whereas, SSG Collins was awarded the Silver Star Medal for gallantry in action on 29 December 1944 near Sadzot, Belgium for leading an assault on prepared enemy machine gun positions on his company's right flank. Using his Thompson submachine gun he completely wiped out the enemy occupying the positions. SSG Collins rejoined his squad and led them through the rest of the battle and was credited with killing 22 enemy during his actions; and

Whereas, SSG Collins was cited for bravery by leading an assault on a German stronghold that included several houses. His squad pinned down a German command element and his squad's intense machine gun and mortar fire forced the enemy to surrender. SSG Collins' squad was credited with killing 17 enemy and wounding scores more. A German general was among those captured who initially refused to surrender to SSG Collins since he was not an officer. However, the general soon changed his mind when SSG Collins placed his machine gun in the general's stomach; and

Whereas, The Humbert of Savoy, Prince of Piedmont, Lieutenant General of the Realm of Italy, by His Decree under date of September 15, 1945, in view of Royal Decree No. 1423 of November 1932 and successive modifications; upon the suggestion of the Secretary of State for War, conferred, on his own motion, the Military Valor Cross upon SSG Collins. In the Italian Campaign SSG Collins distinguished himself by valor and a splendid spirit of self-sacrifice; and

Whereas, SSG Collins' courageous performance during World War II reflected the highest traditions of the United States Army as he was cited for extraordinary heroism with the Distinguished Service Cross, Silver Star, Bronze Star, Purple Heart with two clusters, French Citation, Combat Infantryman Badge, and



American and European Theatre Ribbons with five Battle Stars; and

Whereas, When World War II ended in the European Theatre, SSG Collins was honorably discharged on 30 May 1945; and

Whereas, In January 1949 SSG Collins was united in marriage to the former Mary Emily White, who preceded him in death on January 19, 2004; and

Whereas, SSG Collins was the primary caretaker and gravedigger for the Brick Church Cemetery at Huttonsville, West Virginia, from 1960 until 2001; and

Whereas, SSG Collins passed away on October 18, 2004, and is survived by a daughter, Sheila McCauley and her husband, Larry, of Huttonsville; one son, Tommy Collins, who made his home with his father; and two sisters, Mary Collins Miller and her husband, Bob, of Waynesboro, Virginia, and Adalade Kesterson of Parkersburg, West Virginia; one granddaughter, Shelby Amber McCauley; and several nieces and nephews; and

Whereas, It is appropriate to name this road for this brave American soldier. His countless acts of heroism and his exemplary military service during World War II to his country, state and community should not go unnoticed; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a section of U.S. Route 250 from intersection U.S. 219 at Huttonsville, West Virginia, south to Pocahontas County Line in Randolph County, the “U.S. Army SSG Boggs G. Collins Memorial Road”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is requested to have made and be placed signs containing bold and prominent letters proclaiming the road as the “U. S. Army SSG Boggs G. Collins 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.

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

**By Delegates Hansen, Miley, Walker, Zukoff, Fleischauer, C. Thompson, Doyle, Estep-Burton, S. Brown, Pyles, Diserio, Robinson, Lavender-Bowe, Sponagle, Miller, Hicks, Longstreth, Canestraro, Lovejoy, Byrd and Bates:**

**H. J. R. 25** - "Proposing an amendment to the Constitution of the State of West Virginia section twenty-three, article three thereof, relating to the Bill of Rights; proving for the right to clean air and pure water; preservation of our natural resources and public estate; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Agriculture and Natural Resources then the Judiciary.

And,

**By Delegates Howell, Hamrick and C. Martin:**

**H. J. R. 26** - "Proposing an amendment to the Constitution of the State of West Virginia amending section 46, article VI thereof, relating to the authority of the Legislature to regulate the manufacture and sale of alcohol; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Government Organization then the Judiciary.

### **Motions**

Delegate Estep-Burton filed a written motion to remove from the table the motion by Delegate Fluharty of February 7, 2019, that pursuant to House Rule 82, 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. 116**), and there were—yeas 40, nays 57, absent and not voting 3, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

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

### **Bills Introduced**

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

**By Delegates J. Kelly, Hanshaw (Mr. Speaker), Summers, Dean, Higginbotham, Waxman, Hanna, Wilson, Jennings, Butler and Hamrick:**

**H. B. 2952** - “A Bill to amend and reenact §18-3-9 of the Code of West Virginia, 1931, as amended, relating to reducing the personnel of the State Department of Education by 25 percent”; to the Committee on Education.

**By Delegate Summers:**

**H. B. 2953** - “A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, relating to permitting a critical access hospital to become a community outpatient medical center; establishing certain conditions and requirements; and providing for rule-making authority”; to the Committee on Health and Human Resources.

**By Delegate Summers:**

**H. B. 2954** - “A Bill to amend and reenact §33-45-1 of the Code of West Virginia, 1931, as amended, relating to defining

certain terms used in insurance”; to the Committee on Government Organization.

**By Delegates Criss, Pushkin, Robinson, Swartzmiller, Wilson and Estep-Burton:**

**H. B. 2955** - “A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended, relating to adding one member to the Medicaid Advisory Panel from the West Virginia Chiropractic Society”; to the Committee on Health and Human Resources.

**By Delegates Fleischauer, Lavender-Bowe, Longstreth, Kessinger, Malcolm, Rohrbach, Walker, Diserio, Pushkin, S. Brown and Staggers:**

**H. B. 2956** - “A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-12 of said code, all relating to expanding comprehensive coverage for pregnant women through Medicaid to 185 percent of the federal poverty level; providing coverage for 60 days postpartum; expanding comprehensive coverage for pregnant women between 185 percent and 300 of the federal poverty level including prenatal care, delivery and 60 days postpartum through the Children’s Health Insurance Program”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Paynter, Pack, J. Jeffries, Cooper, Maynard, Porterfield, Lavender-Bowe, Campbell, R. Thompson and Toney:**

**H. B. 2957** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-21-12j, relating to permitting residential customers of electric utilities to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income for personal income tax purposes”; to the Committee on Energy then Finance.

**By Delegates Maynard, Westfall, Jennings, Pack, Paynter, Miller, Lovejoy, Linville, J. Jeffries and Angelucci:**

**H. B. 2958** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-7a relating to authorizing the State Auditor to conduct regular

financial examinations or audits of all volunteer fire companies; authorizing the Auditor to establish a schedule of examinations; and defining the scope of the Auditor's examinations"; to the Committee on Government Organization.

**By Delegates Hanna, Wilson and Maynard:**

**H. B. 2959** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-26, relating to unlawful panhandling and solicitation; exempting fire departments; and providing misdemeanor penalties"; to the Committee on the Judiciary.

**By Delegates Anderson, Higginbotham, Azinger, Hollen and Nelson:**

**H. B. 2960** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating to entry onto private property for certain purposes by a federally regulated natural gas company without written permission of the property owner under certain defined conditions; requiring a written request for permission to enter property prior to entry; requiring notice of intent to enter property prior to entry; declaring the legal status of such entry; requiring natural gas company pay the landowner \$500 per five day initial entry and \$100 per day thereafter; distinguishing lawful entry under other authority; and limiting property owner's liability with respect to the company's entry"; to the Committee on Energy.

**By Delegates Fast, C. Martin, Foster, Mandt, Howell, Butler and Steele:**

**H. B. 2961** - "A Bill to amend and reenact §16-1-4, 16-1-9, and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; requiring the appropriate water utility to install the backflow prevention assembly at the meter; requiring the appropriate water utility to maintain the backflow prevention assembly; and requiring the water utility to provide information relating to maintenance and necessity for any backflow prevention assembly"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Hornbuckle, Miley, Lovejoy, Fluharty, Hamrick, Dean, Rohrbach, Maynard, Pushkin, S. Brown and Byrd:**

**H. B. 2962** - “A Bill to amend and reenact §11-15-9g of the Code of West Virginia, 1931, as amended, relating to providing a four-day sales tax holiday during which certain items of clothing, school supplies, school instructional materials, laptop and tablet computers, and sports equipment are exempt from sales and use taxes”; to the Committee on Finance.

**By Delegates Hornbuckle, R. Thompson, Lovejoy, Dean, Rohrbach, Paynter, Lavender-Bowe, Worrell, Walker, S. Brown and Sponaugle:**

**H. B. 2963** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to modifying the school calendar; setting the school year to 170 days of instruction; establishing limits on the start and end of the school year; and modifying the number and purposes of noninstructional days”; to the Committee on Education.

**By Delegates Kessinger, Hardy, Bibby and Hill:**

**H. B. 2964** - “A Bill to amend and reenact §19-1-11 of the Code of West Virginia, 1931, as amended, relating generally to the Rural Rehabilitation Loan Program; authorizing the Commissioner of Agriculture to utilize other governmental entities, in addition to the State Treasurer, to service the loan program; and exempting the loan program from having to utilize the State Agency for Surplus Property to dispose of repossessed items”; to the Committee on Government Organization.

**By Delegates Hamrick, Hornbuckle, Williams, Butler, Lovejoy and Atkinson:**

**H. B. 2965** - “A Bill to amend and reenact §18-2-25a and §18-2-25b of the Code of West Virginia, 1931, as amended, all relating to providing that schools that do not follow the established protocol on concussions and head injuries in interscholastic athletes are subject to the disciplinary actions by the Secondary Schools Athletics Commission; and providing that schools that do not follow the requirements of their emergency action plans for

athletics are subject to the disciplinary actions by the Secondary Schools Athletics Commission”; to the Committee on Education.

**By Delegate Harshbarger:**

**H. B. 2966** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-23A-1, relating to creating the County Budget Flexibility Act; permitting a county to hold over unspent budgetary funds and excess revenue for future uses; requiring those funds be deposited in a county’s Future Needs Fund; authorizing the use of those funds for future or unexpected needs; making findings; and setting forth an intent”; to the Committee on the Judiciary then Finance.

**By Delegates Hardy, Bibby, Barrett, Espinosa, Cowles, Householder, Mandt, Linville, Wilson, D. Jeffries and Rowan:**

**H. B. 2967** - “A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to permitting a county to retain the excise taxes for the privilege of transferring title of real estate in that county”; to the Committee on Finance.

**By Delegates Nelson, Espinosa, Barrett, Byrd, McGeehan and Criss:**

**H. B. 2968** - “A Bill to amend and reenact §31A-8-12b of the Code of West Virginia, 1931, as amended, relating to adding remote service unit to the definition of customer bank communications terminals; defining remote service unit; and requiring that operators of remote service units maintain a physical location in this state”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Westfall:**

**H. B. 2969** - “A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of ‘mortgage loan originator’; clarifying the definition”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Campbell, Lavender-Bowe, Hanna, Rohrbach, Hornbuckle, Toney, Butler, Hill, J. Kelly, Higginbotham and Canestraro:**

**H. B. 2970** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special plate with a medical condition diagnosis for persons with medical conditions affecting speech, mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver’s license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records; providing for rule-making authority; and providing for an effective date”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Linville, Maynard, Bates, Boggs, Williams, Criss, Graves and Hardy:**

**H. B. 2971** - “A Bill to amend and reenact §10-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting public libraries to purchase or contract with the most fiscally responsible Internet service providers”; to the Committee on Finance.

**By Delegates Fleischauer, Miley, Pyles, Walker, Diserio, Caputo, Angelucci, S. Brown, Swartzmiller, Lovejoy and Bates:**

**H. B. 2972** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, §5B-2J-5, §5B-2J-6, and §5B-2J-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness;



authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Government Organization then Finance.

**By Delegates Anderson, J. Kelly, Porterfield, Criss, Westfall, Williams, Rowe and Bates:**

**H. B. 2973** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, §5B-2J-5, §5B-2J-6, and §5B-2J-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies”; to the Committee on Government Organization then Finance.

**By Delegates D. Jeffries, Howell, Pack, Graves, Bibby, Cadle, J. Jeffries, Steele, Harshbarger, Foster and Malcolm:**

**H. B. 2974** - “A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting businesses relating to transporting scrap tires, waste tires, or other used tires to storage, disposal, or recycling locations from the provisions of this chapter”; to the Committee on Government Organization.

**By Delegates Miller and D. Kelly:**

**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 by providing for prohibition against sexual acts for any person working at a correctional facility; and providing for prohibition

against sexual acts for any person working at a day report facility”; to the Committee on the Judiciary.

**By Delegates Linville, Higginbotham, Hanshaw (Mr. Speaker), Skaff, Foster, Hardy and Maynard:**

**H. B. 2976** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the Economic Diversification Act of 2019 for the purpose of income tax relief, by state, county, and municipal government, to new businesses whose product or service offered is not currently offered in the state; requiring the Secretary of Commerce to appoint a commission to determine eligibility; providing that commission to be composed of government officials and private citizens; and limiting the tax relief to a maximum period of eight years”; to the Committee on Finance.

**By Delegates Howell, Pack, C. Martin, D. Jeffries, Ellington, Hill and Hansen:**

**H. B. 2977** - “A Bill to amend and reenact §30-4-3, §30-4-8, and §30-4-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-8a, all relating to permitting the Board of Dentistry to create specialty certifications”; to the Committee on Government Organization.

**By Delegates Rohrbach, Waxman and Bates:**

**H. B. 2978** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3, §9-10-4, §9-10-5, §9-10-6, and §9-10-7, all relating to improving the quality of West Virginia’s Medicaid program; establishing a pilot program to implement smart health cards for the transmission of healthcare related information for certain Medicaid beneficiaries between the Department of Health and Human Resources and public and private healthcare providers; defining terms; establishing the Smart Health Card Medicaid Pilot Program; providing implementation date for pilot program; outlining goals of the pilot program; setting forth the requirements for establishing the pilot program; setting forth cybersecurity procurement requirements for vendors who provide technology

and services relating to the pilot program; setting forth the requirements of the smart health card; restricting disclosure of health information to the same extent as federal HIPAA requirements; establishing annual reporting requirement to the Legislative Committee on Health and Human Resources Accountability; and providing for a sunset clause of June 30, 2024”; to the Committee on Health and Human Resources.

**By Delegates Miller, Caputo, Paynter, Tomblin and Maynard:**

**H. B. 2979** - “A Bill to amend and reenact §22A-2-64 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-10, all relating to abandoned mines; establishing responsibility of the mine owner to seal mines; establishing liability for failure to seal mines; prohibiting entry into an active, sealed or abandoned mine; establishing criminal penalties; establishing civil liability for costs associated with rescue from a mine”; to the Committee on Energy.

**By Delegates Paynter, Dean, Maynard, Hanshaw (Mr. Speaker), Miller and Shott:**

**H. B. 2980** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22A-13-1, §22A-13-2, §22A-13-3, §22A-13-4, §22A-13-5 and §22A-13-6, all relating to creating the Mine Trespass Act; providing a short title; providing for criminal penalties; providing a hold harmless clause; and providing for temporary exemption from environmental regulations”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2981** - “A Bill to amend and reenact §19-1-11 of the Code of West Virginia, 1931, as amended, relating generally to the Rural Rehabilitation Loan Program; authorizing the Commissioner of Agriculture to utilize other governmental entities, in addition to the State Treasurer, to service the loan program; and exempting the loan program from having to utilize the State Agency for Surplus Property to dispose of repossessed items”; to the Committee on Government Organization.

**By Delegates Howell, Hott, Pack, Cadle, C. Martin and Hamrick:**

**H. B. 2982** - “A Bill to amend and reenact §19-2C-1, §19-2C-2, §19-2C-3, §19-2C-5, §19-2C-5a, §19-2C-6, §19-2C-6a, §19-2C-6c, §19-2C-8, §19-2C-8a, and §19-2C-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-2C-5b, all relating to amending and updating the laws relating to auctioneers by providing for definitions; providing for exemptions to license requirements; providing for June 30 as the date all licenses expire; establishing certain conditions for auctioneers to continue working after license expiration; providing for record retention requirements; providing for exams held twice a year; providing for auctioneers to submit to background checks; providing for authorization to conduct and use information relating to background checks; providing for confidentiality of background checks; providing for penalties for an unlicensed auctioneer; providing for additional circumstances to revoke a license; providing for written contracts with auctioneers and owners of property; and providing for auction houses and business entities to enter into contracts with auctioneers”; to the Committee on Government Organization.

**By Delegates Porterfield and Bibby:**

**H. B. 2983** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, and §47-12-4, all relating to therapeutic rights of minors with regard to treatment by licensed therapists intended to change the sexual attractions or sexual behaviors of a minor, or a minor’s self-declared gender identity; listing prohibited practices; providing criminal penalties; specifying that certain practices are unethical and subject licensed therapists to professional discipline, including the possibility of revocation of the therapist’s license; and providing certain protections of minor client rights”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates C. Martin and Harshbarger:**

**H. B. 2984** - “A Bill to repeal §20-2-42n, §20-2-42q, and §20-2-42r of the Code of West Virginia, 1931, as amended; and to

amend and reenact §20-2-42a, §20-2-42d, §20-2-42j, §20-2-42k, §20-2-42p, §20-2-42s, §20-2-42t, §20-2-42x, and §20-2-42y of said code, all relating to repealing the Class N resident and Class NN nonresident antlerless deer hunting stamp, the Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer, and the Class RM resident and Class RRM nonresident muzzle-loader deer hunting stamp for an additional deer; allowing one whitetail deer of either sex and three antlerless deer with a Class A resident hunting and trapping license, Class E nonresident hunting and trapping license, Class X resident hunting, fishing and trapping license, Class XJ resident junior and Class XXJ nonresident junior hunting, fishing and trapping license, Class XS resident senior hunting, fishing and trapping license, and Class AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; modifying the cost of the licenses; and allowing an additional antlered deer with an antler point restriction of three visible tines on the main beam above the brow tine on one antler to be taken with a Class RG resident and Class RRG nonresident gun deer hunting stamp, and providing certain limitations with regard to such licenses; and decreasing fees for Class UU nonresident archery deer hunting stamp and the Class VV nonresident muzzle-loading deer hunting stamp”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Porterfield and Bibby:**

**H. B. 2985** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4 and §5-11C-5, all relating to establishing the West Virginia Faith Freedom Act to ensure that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and, strict scrutiny is applied; including a short title; providing definitions; and addressing applicability, construction, remedies, and severability”; to the Committee on the Judiciary.

**By Delegates Queen and Kessinger:**

**H. B. 2986** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-2a, relating to requiring retail pet stores to complete registration

forms required by the county assessor upon the sale of a dog; and prohibiting political subdivisions from regulating the operation of a retail pet store”; to the Committee on the Judiciary.

**By Delegate Bates:**

**H. B. 2987** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-5A-5, §27-5A-6, and §27-5A-7, all relating to Involuntary treatment for alcohol and other drug abuse; setting forth patients’ rights; establishing criteria for involuntary treatment; providing for petitions for 60-day and 360-day involuntary treatment; establishing financial responsibility; establishing proceedings for involuntary treatment; authorizing 72-hour emergency involuntary treatment; setting forth a procedure for failure to attend examination; providing for transportation to a hospital or other facility; and providing for minors”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2988** - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to tobacco usage restrictions; Legislative findings and intent; raising the legal age for the purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to 21”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Rohrbach:**

**H. B. 2989** - “A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are

contrary to the depositing of funds in the State Treasury; requiring quarterly transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring quarterly reporting by the Attorney General as to the disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings”; to the Committee on the Judiciary then Finance.

**By Delegate Kump:**

**H. B. 2990** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-1a, relating to the redistricting of the Senate into 34 single senatorial districts beginning in 2020 based on the 2010 census”; to the Committee on the Judiciary.

### **Special Calendar**

#### **Third Reading**

**S. B. 267**, Requiring State Board of Education adopt policy detailing level of computer science instruction; 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. 117**), 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: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 267) passed.

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

**Com. Sub. for H. B. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin requested to be excused from voting on Com. Sub. for H.B. 2365 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. 118**), and there were—yeas 74, nays 23, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, N. Brown, S. Brown, Byrd, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hicks, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Robinson, Rowe, C. Thompson, R. Thompson and Walker.

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2365) 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. 2468**, Department of Agriculture Capital Improvements Fund; on third reading, coming up in regular order, was, at the request of Delegate Summers, and by unanimous consent, postponed one day.

**Com. Sub. for H. B. 2583**, Family Planning Access 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. 119**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: N. Brown, Cadle, Fast, Hartman, D. Jeffries, Jennings, Malcolm, C. Martin, P. Martin and Porterfield.

Absent and Not Voting: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2583) 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. 2661**, Relating to natural gas utilities; on third reading, coming up in regular order, was read a third time.

Delegates Harshbarger and Capito requested to be excused from voting on the passage of Com. Sub. for H. B. 2661 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 120**), 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: J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2661) 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. 2809**, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; 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. 121**), and there were—yeas 80, nays 16, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, N. Brown, S. Brown, Caputo, Diserio, Estep-Burton, Fluharty, Hicks, Lavender-Bowe, Lovejoy, Miller, Pushkin, Robinson, Rowe, C. Thompson and R. Thompson.

Absent and Not Voting: Doyle, J. Kelly, Kump and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2809) passed.

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

#### Second Reading

**Com. Sub. for H. B. 2330**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter; 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. 2405**, Imposing a healthcare related provider tax on certain health care organizations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2415**, Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction; on second reading, coming up in regular order, was, on motion of Delegate Summers, laid upon the table.

**Com. Sub. for H. B. 2674**, Creating a student loan repayment program for a mental health provider; 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. 2734**, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities; 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. 2813**, Relating generally to collection of use tax; 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 S. B. 18**, Relating to crimes committed on State Capitol Complex,

**Com. Sub. for S. B. 61**, Adding certain crimes for which prosecutor may apply for wiretap,

**Com. Sub. for H. B. 2109**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

**Com. Sub. for H. B. 2609**, Relating to presumptions of abandonment and indication of ownership in property,

**H. B. 2647**, Self Storage Limited License Act,

**Com. Sub. for H. B. 2720**, Authorizing certain investigators and first responders to carry firearms,

**Com. Sub. for H. B. 2761**, Modernizing the self-service storage lien law,

And,

**H. B. 2878**, Relating to updating the controlled substances listed on schedule one.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates J. Kelly, Kump and Rodighiero.

### **Miscellaneous Business**

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

- Delegate C. Thompson during Remarks by Members
- Delegate Estep-Burton during Miscellaneous Business

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

- Delegate Lovejoy for H. B. 2933
- Delegate Nelson for H. B. 2976

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

- Delegate Maynard for H. B. 2875

At 12:09 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 12, 2019.

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Tuesday, February 12, 2019

**THIRTY-FIFTH 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 Monday, February 11, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 2716**, Relating to motorboat lighting and equipment requirements,

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

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

Your Committee on Government Organization has had under consideration:

**H. B. 2881**, Altering the color scheme for county vehicle registration plates,

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. 2881) was referred to the Committee on Finance.

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

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

**H. B. 2586**, Providing programs to train firefighters and emergency medical technicians,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2586) was referred to the Committee on Education.

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

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

**H. B. 2501**, Authorizing municipal fire departments specialized license plates,

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. 2501) was referred to the Committee on Government Organization.

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

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

**H. B. 2872**, Authorizing law-enforcement officers to assist the State Fire Marshal,

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. 2872) was referred to the Committee on the Judiciary.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2846**, Designating a “Back the Blue” plate in support of law-enforcement personnel,

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

In the absence of objection, reference of the bill (H. B. 2846) to the Committee on Finance was abrogated.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2011**, Road Maintenance Program,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2011) was referred to the Committee on Government Organization.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2472**, Providing a special license plate for pollinators,

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 the absence of objection, reference of the bill (H. B. 2472) to the Committee on Finance was abrogated.

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

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 7**, Kidd Brothers Bridge,

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

**Com. Sub. for H. C. R. 7** - "Requesting the Division of Highways name bridge number 20-83-8.49 (20A266), locally known as Standard Bridge, carrying County Route 83 Spur over Paint Creek in Kanawha County, the 'Kidd Brothers Veterans Memorial Bridge',"

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

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



**Com. Sub. for H. C. R. 11** - “Requesting the Division of Highways name bridge number: 46-50-16.56 (46A040) (39.34488, -79.94344), locally known as Thornton bridge, carrying U. S. Route 50 over Three Fork Creek and CSX Railroad in Taylor County, the ‘U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge’,”

**H. C. R. 26**, George Roush Memorial Bridge,

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

**Com. Sub. for H. C. R. 26** - “Requesting the Division of Highways name bridge number 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the ‘U. S. Army SGT Arthur “George” Roush Memorial Bridge’,”

And,

**H. C. R. 32**, Requesting the Secretary of the Department of Transportation to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70,

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

**Com. Sub. for H. C. R. 32** - “Requesting the Commissioner of Highways to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia’s Appalachian Corridor highways,”

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

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 7, Com. Sub. for H. C. R. 11,

Com. Sub. for H. C. R. 26 and Com. Sub. for H. C. R. 32) were each referred to the Committee on Rules.

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

Your Committee on Technology and Infrastructure has had under consideration:

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

**H. C. R. 13**, Chief Robert Edward Dorsey Memorial Highway,

**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,

**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,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 4, H. C. R. 13, H. C. R. 19, H. C. R. 23, H. C. R. 43 and H. C. R. 44) were each referred to the Committee on Rules.

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. 2538**, Providing banking services for medical cannabis,

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

**Com. Sub. for 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; providing findings; defining terms; authorizing Treasurer to competitively bid for financial institutions to provide banking services; providing for disposition of penalties collected pursuant to the West Virginia Medical Cannabis Act; authorizing the 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 Treasurer’s Medical Cannabis Fund; requiring the Enterprise Resource Planning Board to configure wvOASIS to allow deposits in, investing moneys in, and making payments from the accounts established by the Treasurer at a selected financial institution; establishing that action under section not unlawful; providing that the Commissioner of Financial Institutions shall not prohibit, penalize incentivize or otherwise impair a financial institution from providing services under the Act in certain instances; providing that no cause of action exists against the Treasurer and state officers and employees involved in cannabis-related banking or financial services in their personal capacities in certain circumstances; and providing that the state will defend and indemnify the Treasurer and any state officers and employees involved in cannabis-related banking services provided within the scope of their duties or employment in accordance with the West Virginia Medical Cannabis Act,”

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. 2579**, Relating to the collection of tax and the priority of distribution of an estate or property in receivership,

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

**Com. Sub. for H. B. 2579** - “A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-18a of said code, all relating to the collection of tax and the priority of distribution of an estate or property in receivership and the liability of the fiduciary,”

And,

**H. B. 2618**, Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person,

And reports back a committee substitute therefor, with the same title, 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; definitions; and including the use of undue influence in the definition of the crime of an act of financial exploitation,”

With the recommendation that the committee substitutes 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:

**S. B. 377**, Relating to minimum wage and maximum hour standards,

And reports the same back, with 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:

**Com. Sub. for S. B. 398**, Relating to compensation for senior judges,

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. 398) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

**Com. Sub. for S. B. 451**, Comprehensive education reform,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for S. B. 451) was taken up for immediate consideration, read a first time and ordered to second reading.

### **Messages from the Executive**

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 11, 2019, he approved **Com. Sub. for S. B. 17**.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 2307**, Relating to creating a provisional license for practicing barbering and cosmetology.

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. 14** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1, §19-37-2, §19-37-3, and §19-37-4, all relating to creating the West Virginia Farm-to-School Grant Program; setting out findings and purpose; creating the fund; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 19** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; setting forth legislative findings and intent; creating special revenue account designated the Senior Farmers Market Nutrition Program Fund; identifying source of funds; providing terms for expenditures; requesting additional moneys to be added to the fund; and directing that balance funds at the end of the fiscal year remain in the fund”; 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 concurrence in the amendments of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 240**, Repealing certain legislative rules no longer authorized or are obsolete.

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. 317** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, and §20-17-10, all relating generally to authorizing three or more contiguous counties to form a multicounty trail network authority; providing legislative findings; defining terms; providing that an authority is a public corporation and joint development entity; providing that a county that is adjacent to an authority may join the authority as a participating county upon approval of the board of the authority and the county commission of the county wishing to participate; providing that two existing authorities may merge upon approval of the boards of both authorities; providing for appointment of individuals to the board of an authority and for the filling of vacancies in the board; establishing the terms of appointment to a board; requiring quarterly meetings of a board; describing how a quorum is established; authorizing a board to promulgate bylaws and rules; providing that an authority is subject to Freedom of Information Act laws; describing the powers and duties of an authority; requiring a board to appoint an executive director; describing powers and duties of an executive director; authorizing employment of authority staff; requiring creation of an annual budget; providing for payment of an authority’s expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of state funds; prohibiting certain actions by users of recreational area land and providing criminal penalties; limiting the liability of owners of land used by an authority; setting forth purchasing and bidding procedures for authority contracts and purchases; providing criminal penalties for violation of purchasing and bidding requirements; clarifying that certain provisions of the code

prohibiting certain officers from having a pecuniary interest in contracts applies to board members, officers, personnel, and agents of an authority; providing civil remedies for participating counties challenging purchasing contracts violating certain requirements; and providing for severability”; which was referred to the Committee on Agriculture and Natural Resources then 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. 352** - “A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-3-14a, all relating to the Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities; clarifying notice requirements; allowing the division to require surety; expanding acceptable forms of surety; allowing the division to utilize best value procurement; providing exception; establishing procedure for best value procurement; allowing for direct award procurement; establishing procedure for direct award procurement; allowing the division to run criminal background checks, financial background checks, licensing background checks, and credit checks to determine eligibility for award of contract; enumerating grounds upon which division shall disqualify vendors from being awarded a contract or having contract renewed; creating special revenue fund; and providing for methods of disposition of surplus property owned by the division”; 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. 408** - “A Bill to amend and reenact §29-21-16 of the Code of West Virginia, 1931, as amended, relating to



public defender services generally; clarifying the person to determine financial eligibility for public defender services; empowering court administrators in circuits which have one to make the eligibility determination; continuing the authority of public defender offices to make eligibility decisions in circuits with a public defender office but without a court administrator; and authorizing circuit courts to make eligibility decisions in circuits with neither a court administrator nor a public defender office”; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 496** - “A Bill to repeal §16-7-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-7-5 of said code; and to amend said code by adding thereto a new article, designated §19-11E-1, §19-11E-2, §19-11E-3, §19-11E-4, §19-11E-5, §19-11E-6, §19-11E-7, §19-11E-8, §19-11E-9, §19-11E-10, §19-11E-11, §19-11E-12, §19-11E-13, §19-11E-14, §19-11E-15, §19-11E-16, and §19-11E-17, all relating generally to transferring authority to regulate milk from the Department of Health and Human Resources to the Department of Agriculture; transferring authority to regulate milk and milk products effective July 1, 2019; explaining purpose and scope of article; defining terms; requiring milk producers and those handling or transporting milk or milk products to have and maintain permits; establishing procedure for obtaining permits; mandating certified inspectors of milk production facilities maintain valid licenses; establishing milk and milk product labeling standards; defining ‘adulteration’; describing authority and duties of Commissioner of Department of Agriculture regarding milk and milk products; listing prohibited acts; establishing grounds and procedure for suspension, revocation, or denial of permits or licenses; providing for right of hearing and appeal by persons aggrieved by actions taken pursuant to article; establishing criminal penalties for violation of article or rules promulgated thereunder; establishing civil penalties for violation of article or rules promulgated thereunder; allowing

commissioner to promulgate rules permitting consent decrees or negotiated settlements of civil penalties; establishing that fees received pursuant to article are to be deposited into Department of Agriculture's fees account; permitting commissioner to enter into agreements with public or private entities to carry out provisions of the article; protecting trade secrets from disclosure; providing exception; establishing orderly transition of milk regulatory operations to Department of Agriculture; and mandating that Department of Health and Human Resources' legislative rules regulating milk remain in effect until July 1, 2020, or until earlier superseded by Department of Agriculture regulations"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 499** - "A Bill to amend and reenact §11-10-3, §11-10-4, §11-10-7, §11-10-14, §11-10-15, and §11-10-16 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-10-18c; to amend and reenact §11-21-3, §11-21-51a, §11-21-59, and §11-21-71a of said code; to amend said code by adding thereto four new sections, designated §11-21-37a, §11-21-37b, §11-21-37c, and §11-21-59a; to amend said code by adding thereto a new article, designated §11-21A-1, §11-21A-2, §11-21A-3, §11-21A-4, §11-21A-5, §11-21A-6, §11-21A-7, §11-21A-8, §11-21A-9, §11-21A-10, §11-21A-11, and §11-21A-12; to amend and reenact §11-24-20 of said code, all relating generally to amending West Virginia tax laws to conform to changes in how partnerships and their partners and other pass-through entities and their equity owners are treated for federal income tax purposes for tax years beginning after December 31, 2017; amending West Virginia Tax Procedures and Administration Act, Personal Income Tax Act, and Corporation Net Income Tax Act to provide for administration, collection, and enforcement of income tax on certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes and their partners and equity owners in conformity with changes made by

United States Congress in how these entities and their equity owners are treated for federal income tax purposes for taxable years beginning after December 31, 2017; providing for application of West Virginia Tax Procedure and Administration Act to apply to imputed income taxes imposed on partnerships and other pass-through entities; imposing addition to tax for failure of partnership and other pass-through entity to file partnership's returns and reports; imposing imputed personal income tax on certain partnerships and other pass-through entities treated like partnerships for federal income tax purposes based on federal audit adjustments; providing general rules and special rules for allocation and apportionment of business income; providing for filing of amended composite personal income tax returns by pass-through entities on behalf of nonresident equity owners; providing additional rules for reporting of federal changes to federal taxable incomes; providing amended rules for reporting of federal adjustments by Internal Revenue Service or other competent authority; providing rules for reporting adjustments by other states' resident claims credit for tax paid to another state; providing for pass-through entity withholding on nonresidents when partnership or other pass-through entity pushes federal audit adjustments out to equity owners; adding a new article providing for administration, collection, and enforcement of additional West Virginia income taxes from certain partnerships and other pass-through entities treated like partnerships for federal income tax purposes, or their equity owners, that are attributable to federal audit adjustments; defining certain terms; providing for reporting of adjustments to federal taxable income; providing for reporting of federal audit adjustments resulting from federal audit of pass-through entity or from administrative adjustment requests; providing for assessment of additional West Virginia income taxes, interest, and additions to tax arising from federal adjustments to federal taxable income within applicable statute of limitations; allowing payment of estimated West Virginia income tax payments during course of federal audit of certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes; providing for refund or credit of West Virginia income taxes attributable to finalized federal audit adjustments; providing rules for scope of audit adjustments and extensions of time; specifying effective

dates; providing for legislative, interpretive, and procedural rules; providing for Tax Procedures and Administration Act and Tax Crimes and Penalties Act to apply to imputes income tax imposes on certain partnerships and other pass-through entities treated as partnerships for federal income tax purposes; providing additional rules for reporting of changes in federal taxable income of corporations; making technical corrections in existing code sections being amended; and specifying effective dates”; 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 542** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to registration fees for military-related special registration plates”; which was referred to the Committee on Technology and Infrastructure then Finance.

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 a joint resolution, which was read by its title as follows:

**Com. Sub. for S. J. R. 5** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials generally; clarifying that a separate vote in an impeachment trial is necessary to preclude a person convicted from holding a position of honor, trust, or profit under the state; clarifying that a separate vote of two thirds of the members of the Senate is necessary to disqualify a person having been impeached and convicted from an office of honor, trust, or profit under the state; providing that rules of practice and procedure for impeachment proceedings and impeachment trials are not subject to judicial review; specifying that state courts are without authority to stay or enjoin impeachment proceedings; designating such proposed amendment; and providing a summarized statement of the purpose of such

proposed amendment”; to the Committee on Finance then the Judiciary.

### **Resolutions Introduced**

Delegates Staggers, Boggs, Barrett, Miley, Lavender-Bowe, Hartman, Sponaugle, C. Thompson, S. Brown, Angelucci, Caputo and Anderson offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. R. 14** - “Requesting the United States Congress to provide funding for the purchase of residential areas of Minden, Fayette County, West Virginia, due to the discovery of toxic substances.”

Whereas, The health and welfare of the residents of Minden, Fayette County, have been adversely affected by the discovery of toxic waste being deposited by a company doing business in the State of West Virginia; and

Whereas, The efforts of the United States Environmental Protection Agency to remove the toxic waste from the affected areas of Minden have been ineffective and without resolve; and

Whereas, The property value of the affected areas of Minden has decreased substantially since the discovery of toxic substances, leaving the residents without a fair market value for their property and rendering them unable to relocate their families to a safe, secure area; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates hereby requests the United States Congress to provide funding for the purchase of residential areas of Minden, Fayette County, that have been affected by the discovery of toxic substances that the United States Environmental Protection Agency cannot resolve; and, be it

*Further Resolved,* That the Clerk forward copies of this resolution to the West Virginia delegation to the Congress of the United States.

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

**H. C. R. 64** - "Requesting the Division of Highways to name bridge number 04-5/6-7.33 (O4A193), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County, the 'U.S. Army CPL Jerry Lee Noble Memorial Bridge'."

Whereas, Jerry Lee Noble was born on March 28, 1932, in Breathitt County, Kentucky, the son of George Noble and Loraine Cole Noble. Jerry Lee Noble grew up and attended a one-room school in the Braxton County community of Riffle, West Virginia. He was inducted into the U.S. Army on October 8, 1952, as a Private First Class; and served in the Korean War and was wounded and reported missing in action on July 9, 1953; and

Whereas, CPL Jerry Lee Noble was discharged from the U.S. Army on November 18, 1954. During his service, CPL Jerry Lee Noble was awarded the Bronze Star for heroic action along with the Purple Heart. He was married to Marlene Hunter Noble and they were the parents of Jerry Don Noble, Janet Noble Gibson, and Beverly Noble Smith; and

Whereas, It is fitting that an enduring memorial be established to commemorate the service of CPL Jerry Lee Noble; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested name bridge number 04-5/6-7.33 (O4A193), locally known as the Riffle Box Beam Bridge, carrying County Route 5/6 over Perkins Fork of Cedar Creek in Braxton County the "U.S. Army CPL Jerry Lee Noble Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs

identifying the bridge as the “U.S. Army CPL Jerry Lee Noble 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 Cooper, Pack, J. Jeffries, Bibby and Hardy offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 65** - “Requesting the Division of Highways name a portion of WV 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the ‘Vietnam Veterans Memorial Highway’.”

Whereas, The members of Vietnam Veterans of America, Chapter 1108, of Union, West Virginia, seek to honor the service of Vietnam Veterans from all branches of our nation’s military; and

Whereas, The members of Vietnam Veterans of America, Chapter 1108, request that a portion of WV 3 be dedicated to the memory of these men and women; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of WV 3, starting at the eastern city limits of Union and ending at the intersection with CR 11, Keenan Road, in Monroe County, the “Vietnam Veterans Memorial Highway”; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the portion of road containing bold and prominent letters proclaiming the road as “Vietnam Veterans Memorial Highway”; 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 D. Jeffries, Malcolm, C. Martin, Bibby, Mandt, D. Kelly, Jennings, Phillips, Sypolt, Wilson and Atkinson offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 66** - “Requesting the Division of Highways name bridge number 20-4-0.01 (20A006), (38.49033, -81.34935) locally known as Big Sandy Bridge, carrying WV Rt. 4 over Big Sandy Creek in Clendenin, Kanawha County, the ‘U.S. Army SPC Thurman “Duwayne” Young Memorial Bridge’.”

Whereas, Thurman “Duwayne” Young was born on April 23, 1949, in Elkview, West Virginia, a son of Carrie Marie Chaplan of Uniontown, Ohio, and the late Benjamin Thurman Young; and

Whereas, U. S. Army SPC Thurman “Duwayne” Young graduated from Herbert Hoover High School before entering the Army in 1969; he went to Vietnam serving as an Armored Personnel Carrier Operator in the Infantry and was honorably discharged in 1971; and

Whereas, Upon returning from serving his country in Vietnam, SPC Young married Linda Szeles. Duwayne and Linda spent 29 loving years together. They were the parents of three sons, Jeffery, James, and Roger, and five daughters, Carol, Lisa Anne, Claire V., Jeannie M. and Christine (deceased); and

Whereas, On August 17, 2011, at the age of 62 years, U.S. Army SPC Thurman “Duwayne” Young lost his hard-fought battle with cancer caused by exposure to Agent Orange while serving in Vietnam; and

Whereas, The naming of this bridge is an appropriate recognition of U.S. Army SPC Thurman “Duwayne” Young’s contributions and sacrifices made in service to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-4-0.01 (20A006) (38.49033, -81.34935), locally



known as Big Sandy Bridge, carrying WV Rt. 4 over Big Sandy Creek in Clendenin, Kanawha County, the “U.S. Army SPC Thurman ‘Duwayne’ Young 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 SPC Thurman ‘Duwayne’ Young 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 Hartman, Boggs, Caputo, N. Brown, Stagers, Sponaugle and C. Thompson offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 67** - “Requesting the Division of Highways name bridge number 38-15-0.11 (38A022), locally known as Stoney Creek Channel Beam, carrying County Route 15 over Stoney Creek in Pocahontas County, the ‘Sharp Military Brothers Bridge’.”

Whereas, U.S. Army SGT Jack Arnold Sharp was born on December 23, 1922, in Marlinton, and passed away on December 31, 2001, in Richwood. He grew up as the oldest child of Charles J. Sharp and Ora Thompson in Pocahontas County. He played football and graduated from Marlinton High School, and was married to Margaret Sharp for 58 years. SGT Sharp was a Construction Machine Operator in Co. B, 7<sup>th</sup> BN Engr Repl TC, and served from January 1943 to March 1946. He received the Good Conduct Medal, WWII Victory Ribbon and American Theater Ribbon; and

Whereas, U.S. Army SP4(T) Leslie Douglas Sharp was born on October 7, 1945, in Marlinton, currently living in Petersburg, with Jean his wife of 52 years and counting. He grew up the thirteenth child of Charles J. Sharp and Ora Thompson in

Pocahontas County, played football and graduated from Marlinton High School. He received the Parachute Badge and the Armed Forces Expeditionary Medal while serving, and retired from the West Virginia State Police; and

Whereas, U.S. Navy RMSN Donald James Sharp was born on July 31, 1935, in Fairview, currently living in Berkley Springs, with his wife of 61 years, Millie. He grew up the eighth child of Charles J. Sharp and Ora Thompson in Pocahontas County, played football and graduated from Marlinton High School. He served in the Navy from July 1953 to July 1956 and received the National Defense Service Ribbon. He was shot in the line of duty, and retired from, West Virginia State Police. He also served as a West Virginia Magistrate; and

Whereas, U.S. Navy PO2 Craig Arthur Sharp was born on July 21, 1933, in Fairview, currently living in Richmond, Virginia, with Betty Shinaberry his wife of 62 years and counting. He grew up the seventh child of Charles J. Sharp and Ora Thompson in Pocahontas County, played football and graduated from Marlinton High School. He enlisted on October 25, 1951, and separated on October 21, 1956, serving aboard the USS Ross. He received the National Defense Service Medal and retired from the U.S. Reformatory system; and

Whereas, U.S. Army TSGT Charles Hubert Sharp was born on August 24, 1929, in Woodrow and passed away on April 26, 2005. He grew up the fifth child of Charles J. Sharp and Ora Thompson in Pocahontas County. He played football and graduated from Marlinton High School, and was married to Norma Harris for 54 years. He served from December 1946 to December 1949, receiving the Army of Occupation Medal and WWII Victory Medal. In January 1950 he enlisted with the U. S. Air Force and retired from service on July 31, 1968. He was also a special photographer who took official military pictures of the little-known unofficial Japanese surrender at Yokohama, Japan; and

Whereas, U.S. Navy RM Dempsey Thompson Sharp was born on June 15, 1927, in Woodrow, currently living in Nelsonville, Ohio. He grew up the fourth child of Charles J. Sharp and Ora

Thompson in Pocahontas County, played football and graduated from Marlinton High School and was married to Jean Walton for 62 years. He served from October 1944 to July 1946 aboard the USS William Ward Burrows and received the Pacific Theater Ribbon, American Theater Ribbon and WWII Victory Ribbon. He was recalled on August 10, 1950, served as Radio Operator V6, 6<sup>th</sup> Naval District and was separated on October 15, 1951. He retired from U. S. Department of Agriculture Soil Conservation, discovered new variety of blackberry in West Virginia and is a published author; and

Whereas, U.S. Navy SN Lee Warwick Sharp was born on January 25, 1926, in Onoto, and passed away on October 3, 2015, in Huntington. He grew up the third child of Charles J. Sharp and Ora Thompson in Pocahontas County. He played football, graduated from Marlinton High School Marlinton, and was married to Ann Bates for 49 years. He served from March 1944 to May 1946, and received the Pacific Theater Ribbon, American Theater Ribbon and WWII Victory Ribbon. He retired a pipefitter from Ashland Oil and Refinery and designed a special insulation tool that is still in use today by Ashland Oil; and

Whereas, U.S. Army TEC #5 MC Earl Milburn Sharp was born on March 30, 1924, in Marlinton and passed away on October 23, 2006, in Roanoke, Virginia. He grew up as the second child of Charles J. Sharp and Ora Thompson in Pocahontas County. He played football, graduated from Marlinton High School, and was married to Mildred Kirkpatrick for 64 years. He served from March 1943 to December 1945, and received the Distinguished Unit Award, Good Conduct Medal, American Theater Ribbon, WWII Victory Ribbon and European-African-Middle Eastern Theater Ribbon. He retired as a Greyhound bus driver and was awarded the Carnegie Hero Award on his brother Lew's birthday in 1956. The Hero Award was for saving a woman in 1954 whose car was submerged under water in the swollen icy cold Coal River while on his bus route. Although he couldn't swim, he didn't hesitate to get the woman to safety; and

Whereas, It is fitting that an enduring tribute be established to honor the service of the Sharp brothers for their contributions for 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 38-15-0.11 (38A022), locally known as Stoney Creek Channel Beam, carrying County Route 15 over Stoney Creek in Pocahontas County, the “Sharp Military Brothers Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and erected signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the “Sharp Military Brothers Bridge”; and, be it

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

Delegates Shott, Ellington and Porterfield offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 68** - “Requesting the Division of Highways name that portion of U. S. Route 19 (Princeton Avenue) in Bluefield, beginning at Monroe Street and ending at Clay Street, in Mercer County, the ‘Bluefield Police Lt. Aaron L. Crook Memorial Road’.”

Whereas, Lieutenant Crook was born on August 31, 1984, to Shelda Jean Bennett Crook and the late Jackie Lee Crook. He grew up in Nimitz, attended Jumping Branch School from kindergarten to 5<sup>th</sup> grade, then Pipestem Christian Academy from which he graduated; and

Whereas, Lieutenant Crook joined the U. S. Marine Corps Reserves in 2006 where he was a heavy equipment operator, and was honorably discharged in 2014; and

Whereas, Lieutenant Crook received his Criminal Justice degree from Bluefield State College and joined the Bluefield Police Department on February 25, 2008, where he rose to the rank of Lieutenant; and

Whereas, Lieutenant Crook married Whitney Ann Brookman Crook in March 2009. They had their first child in August 2014, and a second child in June 2016; and

Whereas, Lieutenant Crook loved his family and country. He also loved the outdoors, especially fishing, and never passed up an opportunity to go fishing with his buddies; and

Whereas, Lieutenant Crook died on May 30, 2017, from injuries received while serving and protecting the good people of Bluefield and Mercer County; and

Whereas, Lieutenant Crook's survivors include his loving and devoted wife, Whitney Ann Brookman Crook; his two beautiful children, Brycen Lee Crook and Paislee Ann Crook; his mother, Shelda Jean Bennett Crook; his grandmother, Loretta Jean Titta; three brothers, Jason Alexander Crook, Jackie Lee Crook II, Brian Thomas Crook; and two-half siblings, Deborah Bennett and Terry Baich; and

Whereas, It is appropriate to name this road to honor Lieutenant Crook's service to his community and to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name that portion of Route US 19 (Princeton Avenue) in Bluefield, beginning at Monroe Street and ending at Clay Street, in Mercer County, the "Bluefield Police Lt. Aaron L. Crook Memorial Road"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is requested to have made and erect signs at both ends of the road, containing bold and prominent letters, proclaiming the road as the "Bluefield Police Lt. Aaron L. Crook 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 Linville, Graves, Hartman, Mandt, Cadle, Higginbotham, D. Kelly, Azinger, Barrett, Criss, Harshbarger, Kessinger, Longstreth, Maynard, Miller, Skaff and Westfall offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 69** - “Declaring the West Virginia Marching Band Invitational to be the State’s official Marching Band Championship event.”

Whereas, The VH1 Save The Music Foundation program that places musical instruments in West Virginia public middle schools has increased participation in middle and high school bands; and

Whereas, Public high schools of all sizes are enjoying a resurgence in band participation; and

Whereas, Until 2012, there was no statewide marching band championship open to all West Virginia secondary schools; and

Whereas, In that year the West Virginia Division of Culture and History hosted the first West Virginia Marching Band Invitational at Glenville State College; and

Whereas, There were 19 bands in the first competition which has grown to see as many as 37 bands participating at the University of Charleston’s Laidley Field; and

Whereas, The Invitational may include as many as 2,400 students and 7,000 spectators who enjoy the day in Charleston; and

Whereas, This Invitational provides a showcase for the State’s high school marching bands; and

Whereas, The students have the opportunity to see the WVU Pride of West Virginia perform; and

Whereas, This event highlights the value of arts education to encourage creativity, talent, and self-discipline; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby declares the West Virginia Marching Band Invitational to be the State's official Marching Band Championship event; and, be it

*Further Resolved,* That the Clerk forward a copy of this resolution to the appropriate officials with the West Virginia Marching Band Invitational.

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

**By Delegates Wilson, C. Martin, Porterfield, Bibby, P. Martin, McGeehan, R. Thompson and Paynter:**

**H. J. R. 27** - "Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

And,

**By Delegates Doyle, Hornbuckle, R. Thompson, Evans, Pyles, Williams, Zukoff, Pushkin, Longstreth, Fluharty and Diserio:**

**H. J. R. 28** - "Proposing an amendment to the Constitution of the State of West Virginia amending section fourteen, article VII thereof, relating to requiring a two-thirds vote to override a veto by the Governor; numbering and designating the proposed

amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

The following Joint Resolution was introduced pursuant to House Rule 92:

**By Delegate Nelson:**

**H. J. R. 29** - “Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to limiting the number of years delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

### **Motions**

Delegate C. Thompson filed a written motion to remove from the table the motion by Delegate Fluharty of February 7, 2019, that pursuant to House Rule 82, 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. 122**), and there were—yeas 41, nays 58, absent and not voting 1, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Kump.

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



### **Bills Introduced**

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

**By Delegates Foster, Hanshaw (Mr. Speaker),  
Householder, Shott, Howell, Pack and Hollen:**

**H. B. 2014** - “A Bill to repeal §47-22-9 and §47-22-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-22-1, §47-22-2, §47-22-3, §47-22-4, §47-22-6, §47-22-7, and §47-22-8 of said code, all relating to the protection of intellectual property and trade secrets; changing the ‘Uniform Trade Secrets Act’ to the ‘West Virginia Intellectual Property and Trade Secrets Act’; providing for definitions; setting forth criminal penalties for certain acts associated with the misappropriation of intellectual property and trade secrets; providing for injunctive and civil relief; allowing for punitive damages and attorney’s fees in certain circumstances; and clarifying applicability of amendments”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 2993** - “A Bill to amend and reenact §33-17A-3 of the Code of West Virginia, 1931, as amended, relating to defining a reduction in coverage and clarifying what is a termination for property insurance purposes”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Linville, Mandt and Criss:**

**H. B. 2994** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to requiring cursive writing to be taught in grades K-5”; to the Committee on Education.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 2995** - “A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years”; to the Committee on Political Subdivisions then Finance.

**By Delegates McGeehan and Howell:**

**H. B. 2996** - “A Bill to repeal §47-11A-1, §47-11A-2, §47-11A-3, §47-11A-4, §47-11A-5, §47-11A-6, §47-11A-7, §47-11A-8, §47-11A-9, §47-11A-11, §47-11A-12a and §47-11A-14 of the Code of West Virginia, 1931, as amended, all relating to repealing the article on unfair trade practices”; to the Committee on the Judiciary.

**By Delegates Higginbotham, Kessinger and Waxman:**

**H. B. 2997** - “A Bill to amend and reenact §46A-5-101 of the Code of West Virginia, 1931, as amended, relating to conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act”; to the Committee on the Judiciary.

**By Delegate Kessinger:**

**H. B. 2998** - “A Bill to amend and reenact §19-16-1, §19-16-2, §19-16-3, §19-16-4, §19-16-5, and §19-16-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated, §19-16-3b and §19-16-9, all relating to agricultural and forest seeds; adding definitions; duties and authority of commissioner of agriculture; adding to label requirements; authorizing the commissioner to add a penalty to certificate of registration seed fees; requiring the keeping of certain records; prohibition of distribution of certain seeds in this state; providing for exemptions; and providing penalties for deficiencies”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Walker, C. Thompson and Pushkin:**

**H. B. 2999** - “A Bill to amend and reenact §19-16-3 and §19-16-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-16-3b; and to amend and reenact §60A-2-204 of said code, all relating to state certification of industrial hemp and medical cannabis seed; authorizing the Commissioner of Agriculture issue special business and residential incubator permits; encouraging state research and development; providing rule-making authority; and removing cannabis from Schedule 1 consistent with state law”;

to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3000** - “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to crimes against public justice; obstructing an officer; and including court security officers in the definition of persons against whom obstructing an officer is a crime and adding protection for court security personnel and bailiffs as it relates to the potential to charge individuals for obstruction of such officers”; to the Committee on the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3001** - “A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to compensation of county board of education members; increasing compensation; allowing compensation for participating in certain statewide trainings, serving as a member on a governing council of an educational services cooperative or on an administrative council of a multicounty vocational center; and requiring compensation for certain meetings be paid out of local funds”; to the Committee on Education then Finance.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3002** - “A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions’ ability to dispose of county or district property; adding the ability of county commissions to dispose of the property to a nonprofit community or senior center organization without conducting a public sale”; to the Committee on Government Organization.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3003** - “A Bill to amend and reenact §11-8-6e of the Code of West Virginia, 1931, as amended, relating generally to the effect on regular levy rate when appraisal results in tax increase; allowing an increase of not more than 10 percent in the total projected property tax revenues realized when current levy rates are imposed by the county commission and the municipalities, before requiring

a reduction in the levy rate, or holding a public hearing in compliance with subsection (c) of this section”; to the Committee on Political Subdivisions then Finance.

**By Delegates Walker, Pyles, Higginbotham, Angelucci, Skaff, Maynard, C. Thompson, Pushkin and S. Brown:**

**H. B. 3004** - “A Bill to amend and reenact §19-12E-4, §19-12E-5, §19-12E-6, §19-12E-7, and §19-12E-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-7-708, all relating to amending the industrial hemp development act consistent with federal law; providing for the Commissioner of Agriculture to issue permits for growing industrial hemp; removing the requirement for permittees to submit to criminal history records checks; allowing for personal growing of industrial hemp without a permit; allowing permits for cannabis research; clarifying the commissioner may contract for testing; prohibiting asset forfeiture for growing industrial hemp; and correcting an internal code reference”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Kessinger:**

**H. B. 3005** - “A Bill to amend and reenact §16-5Y-5 of the Code of West Virginia, 1931, as amended, relating to requiring patients who are pregnant while undergoing medication-assisted treatment to receive prenatal care”; to the Committee on Health and Human Resources.

**By Delegates Fleischauer, Rowe and Pushkin:**

**H. B. 3006** - “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 Delegates Nelson, Harshbarger, Cadle, Atkinson, Cooper and Pack:**

**H. B. 3007** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-3b,

relating to authorizing the Commissioner of Agriculture to require background checks as a condition of employment”; to the Committee on Government Organization.

**By Delegate Hornbuckle:**

**H. B. 3008** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, and nine new sections designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8, and §25-8-9, all relating to creation of a task force to provide comprehensive reentry transitional services to offenders reentering communities by providing for a short title; providing for legislative findings; providing for membership of the task force; providing for no compensation to members; providing for staffing requirements; providing for duties of the task force; providing for funding; creating a fund; providing for the disposition of fund moneys; establishing requirements to apply for federal grant funding; requiring a strategic plan for funding; providing for standard reentry services; providing for family-based substance abuse services; providing for educational services; providing for drug treatment and mentoring services; providing for responsible reintegration services; providing for elderly and family reunification services; providing for children of incarcerated parents services; providing for reports to the legislature; providing a severability clause; and providing for an effective date”; to the Committee on the Judiciary then Finance.

**By Delegate Hornbuckle:**

**H. B. 3009** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, relating to creating ‘The Young Professional Tax Credits’ for student loans; and allowing tax credits for student loans for graduates between ages 18 and 40, together with a refundable child care credit”; to the Committee on Education then Finance.

**By Delegates Skaff, Rowe, Byrd, Pushkin, Robinson, Estep-Burton and Malcolm:**

**H. B. 3010** - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; and to amend said code by adding thereto a new article, designated §16-5VV-1, §16-5VV-2, §16-5VV-3,

§16-5VV-4, §16-5VV-5, §16-5VV-6, §16-5VV-7, §16-5VV-8, §16-5VV-9, §16-5VV-10, §16-5VV-11, §16-5VV-12, §16-5VV-13, §16-5VV-14, §16-5VV-15, §16-5VV-16, §16-5VV-17, §16-5VV-18, §16-5VV-19, §16-5VV-20, §16-5VV-21, §16-5VV-22, §16-5VV-23, §16-5VV-24, §16-5VV-25, §16-5VV-26, §16-5VV-27, §16-5VV-28, §16-5VV-29, §16-5VV-30, §16-5VV-31, §16-5VV-32, §16-5VV-33, §16-5VV-34 and §16-5VV-35, all relating to the Consolidated Public Retirement Board; providing that the board administer the 911 Emergency Services Retirement System; establishing the 911 Emergency Services Retirement System; setting forth definitions including application of honorable service condition to plan participants; providing effective dates and voting requirement; establishing federal qualification requirements; providing for liberal construction; providing that plan is not a substitute for social security; providing for and setting membership standards; setting forth required contributions from members and employers; creating fund and providing for investments; providing for transfer from Public Employees Retirement System; setting time limits; setting forth notice requirements; providing for the commencement of benefits, federal law maximum benefit limitations, minimum required distributions and direct rollovers; providing for retirement credited through member's use of accrued annual or sick leave; providing for retirement benefits; setting forth annuity options; providing for refunds in certain circumstances; providing for deferred retirement; providing for forfeitures of benefits; providing awards and benefits for duty-related disability and for other causes; requiring physical examinations; establishing criteria for termination of disability; providing for prior disability; providing awards and benefits to surviving spouse and additional death benefits and scholarships for dependent children; providing for burial benefit; prohibiting double death benefits; establishing exemption from taxation, garnishment and other process; authorizing certain deductions; establishing the effect of qualified domestic relation orders; prohibiting fraud; establishing criminal penalties; requiring repayment in certain circumstances; providing for treatment of prior military service; establishing effective date of the system; providing voluntary employer participation; establishing starting date for benefits; limiting county liability; and

providing for no forfeiture of benefits if system terminates”; to the Committee on Pensions and Retirement then Finance.

**By Delegates C. Thompson, S. Brown, Sponaugle, Fleischauer, Estep-Burton and Lavender-Bowe:**

**H. B. 3011** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action or a complaint filed in an administrative action, regarding: (1) Sexual assaults; (2) acts of sexual harassment; (3) acts of discrimination and harassment, retaliation or failure to prevent an act of harassment based on sex in the workplace; and (4) acts of discrimination and harassment, or retaliation based on sex in violation of the West Virginia Fair Housing Act; and providing exceptions”; to the Committee on the Judiciary.

**By Delegates Kessinger, Toney, P. Martin, Linville, Hill, Queen, Worrell, Capito, Maynard, Harshbarger and Hanna:**

**H. B. 3012** - “A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, an in-state community or technical college, or an in-state trade school, a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language from this section”; to the Committee on Education then Finance.

**By Delegates Skaff, S. Brown, Estep-Burton, Williams, Zukoff, Angelucci, Walker and Hornbuckle:**

**H. B. 3013** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §11-21-10b, relating to establishing a tax credit against West Virginia personal income tax liability tax credit for student loan payments; providing for definitions; establishing the tax credit; providing for the tax credit be claimed by the taxpayer the year of graduation; providing the tax credit may be claimed for nine tax years after graduation; providing that any year the tax credit is not claimed is

forfeited; establishing certain conditions for the taxpayer to claim the credit; and permitting the Tax Commissioner to require forms, filings or other such methods to claim the tax credit”; to the Committee on Education then Finance.

**By Delegate Butler:**

**H. B. 3014** - “A Bill to amend and reenact §29-18-4a of the Code of West Virginia, 1931, as amended, relating to aligning the salary of the Director of the State Rail Authority with similar positions in state government; and providing that the Secretary of Transportation set the salary with the consent of the authority”; to the Committee on Finance.

**By Delegates Skaff, Estep-Burton, S. Brown, Williams, Zukoff, Angelucci, Walker, Linville, Queen and Hornbuckle:**

**H. B. 3015** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article and six sections designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, and §11-13EE-6, all relating to creating a residential tax credit for graduates with an associates degree, bachelor’s degree, or graduate degree; providing for a short title; providing for definitions; establishing the amount of credit allowed; establishing conditions for the credit to take effect; providing for an application to receive the credit; providing for a report to regarding the credit and its costs to the Governor, the President of the Senate, and Speaker of the House; and providing rule-making authority to the Tax Commissioner”; to the Committee on Education then Finance.

**By Delegate Butler:**

**H. B. 3016** - “A Bill to repeal §29-2A-9, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, §29-2A-17, §29-2A-18, §29-2A-19, §29-2A-20, §29-2A-21, §29-2A-22, §29-2A-23, §29-2A-24, §29-2A-25, §29-2A-26, §29-2A-27, and §29-2A-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, and §29-2A-8 of said code, all relating to the State Aeronautics Commission; removing antiquated and inoperable provisions and sections; modifying and deleting



definitions; continuing the State Aeronautics Commission; modifying and updating membership requirements, powers, and duties of the commission; setting forth quorum and meeting requirements; providing for the organization and operation of the commission; modifying provisions related to the director of the commission; updating provisions related to funding and federal aid; and continuing general powers related to planning, establishing, constructing, maintaining, and operating of airports”; to the Committee on Government Organization then Finance.

**By Delegates Kessinger and Foster:**

**H. B. 3017** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to the deregulation of natural gas for certain consumers; bypassing the jurisdiction of the Public Service Commission for certain natural gas consumers; clarifying that certain high volume natural gas consumer are sophisticated commercial consumers capable of choosing from natural gas supply sources; providing that the jurisdiction of the Public Service Commission does not extend to certain entities engaged in the selling, giving, buying, providing, transporting or supplying of natural gas to any one or more persons or entities with a certain projected annual gas usage in West Virginia; allowing any person or entity with a certain projected annual gas usage in West Virginia to purchase and receive natural gas from various sources without the permission, consent, review or input of the Public Service Commission; providing circumstances to be met to bypass Public Service Commission; and clarifying that any person, corporation, limited liability company or any other entity or body engaged in the selling, giving, buying, providing, transporting or supplying of natural gas to any one or more persons or entities in accordance with section is not a public utility, intrastate pipeline or common carrier subject to the jurisdiction of the Public Service Commission”; to the Committee on Energy.

**By Delegate Shott:**

**H. B. 3018** - “A Bill to amend and reenact §5-16-8a of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Agency’s reimbursement of air-

ambulance providers who provide emergency transportation to individuals covered by the plan”; to the Committee on the Judiciary then Finance.

**By Delegates D. Jeffries, Fleischauer, Miley, Malcolm, Atkinson, Ellington, Worrell, Pack, Summers, Fast and Bibby:**

**H. B. 3019** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1D-1, §16-1D-2, §16-1D-3, and §16-1D-4; and to amend said code by adding thereto three new sections, designated §33-15-4s, §33-15-4t and §33-15-22, all relating generally to transparency in health care; creating the Health Care Transparency Act; requiring the Bureau for Public Health to produce an estimate for creating and maintaining a health care price transparency tool, with technical support from the Health Care Authority, that is accessible by the public; setting forth transparency tool requirements; establishing new disclosure requirements for health care providers, hospitals, and insurers; requiring insurers to develop an access plan for consumers; establishing how surprise bills are to be handled in certain circumstances; defining the term ‘surprise bill’; and requiring rulemaking”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Espinosa:**

**H. B. 3020** - “A Bill to amend and reenact §18B-5-3 of the Code of West Virginia, 1931, as amended, relating to the authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and institutional governing boards to enter into contracts for programs, services and facilities; and providing for specified flexibility entering into agreements with certain affiliated nonprofit corporations”; to the Committee on Education.

**By Delegate Espinosa:**

**H. B. 3021** - “A Bill to amend and reenact §19-23-14 of the Code of West Virginia, 1931, as amended, requiring the payment of all civil penalties imposed against thoroughbred horse racing licensees or permit holders to be paid into a fund for expenses associated with the post-mortem examination of all thoroughbreds

that suffer breakdowns and are euthanized on a racetrack or that otherwise expire on a racetrack; to require that any funds in excess of \$10,000 in such fund at the end of a fiscal year, less outstanding obligations, may be expended by the racing commission to aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred racehorses that are no longer able to compete on the racetracks in this state; to authorize the racing commission to promulgate rules to govern the expenditure of any funds used to aid in the rescue, retraining, rehabilitation and aftercare of thoroughbred racehorses that are no longer able to compete on the racetracks in this state; and, to require the payment of all civil penalties imposed against greyhound racing licensees or permit holders to be paid into a fund to be expended for greyhound adoption programs involving West Virginia whelped dogs owned by residents of this state pursuant to rules promulgated by the racing commission”; to the Committee on Finance.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3022** - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1, 2019, whichever occurs first”; to the Committee on Finance.

**By Delegate Barrett:**

**H. B. 3023** - “A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-11a of said code, all relating to including home confinement officers in definition of law-enforcement officers; and authorizing home confinement officers to carry a concealed firearm in certain facilities limited to other law-enforcement officers”; to the Committee on the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3024** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the West Virginia Development Office to consider certain applications;

requiring the Public Service Commission consider certain plans; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section”; to the Committee on Government Organization.

**By Delegates Westfall, Maynard, Graves, Pushkin, Canestraro and Miller:**

**H. B. 3025** - “A Bill to amend and reenact §19-23-6, §19-23-7, and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-8, §29-22A-9, and §29-22A-12 of said code; to amend and reenact §29-22C-7, §29-22C-8, and §29-22C-10 of said code; and to amend and reenact §60-7-12 of said code, all relating to providing for the Racing Commission to approve number of racing days requested by racing association; eliminating racing day requirement to maintain video lottery license; eliminating prohibition of ATM’s on casino floors; eliminating recall elections for video lottery and racetrack table games; and allowing video lottery licensees to serve alcoholic beverages during hours of operation”; to the Committee on the Judiciary then Finance.

**By Delegate Hornbuckle:**

**H. B. 3026** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new section, designated §11-24-44, all relating to establishing personal or corporate income tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles; findings; determination of eligibility for credit, amount of credit, effective date”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegate Butler:**

**H. B. 3027** - “A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Highway Design-Build Pilot Program; allowing

Division of Highways to contractually obligate no more than \$350 million on any one design-build project for fiscal years beginning after June 30, 2019; allowing up to \$350 million to be contractually obligated for individual projects financed with bonds under authority of the Roads to Prosperity Amendment of 2017 after June 30, 2019; providing that design-build projects financed with bonds under authority of the Roads to Prosperity Amendment of 2017 do not count toward the annual cap on the design-build program; and clarifying terminology”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 3028** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, and §21-3E-5, all relating to enacting a workplace violence prevention for health care and social service workers act; providing legislative findings, definitions, workplace violence prevention standard and requirements for such”; to the Committee on the Judiciary.

**By Delegates Pyles and Diserio:**

**H. B. 3029** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article and eight sections, designated §30-2B-1, §30-2B-2, §30-2B-3, §30-2B-4, §30-2B-5, §30-2B-6, §30-2B-7, and §30-2B-8, all relating to requiring court reporters be licensed, creating a board of examiners; establishing the duties of the board; creating an application procedure for a license; establishing a state examination; providing for certain exceptions to examination under certain circumstances; requiring character interviews if an applicant has a criminal record for certain circumstances; creating the Court Reporter’s Fund; providing for the disposition of moneys in the fund; requiring court reporters to file all documents the court reporter creates when performing reporting services with the clerk of the court within three days of performing reporting services; establishing penalties for failing to file all records for which reporting services were performed; providing exemptions to this article under certain conditions; establishing rule making authority; providing for a severability

clause; and providing an effective date”; to the Committee on the Judiciary then Finance.

**By Delegates Pyles, Longstreth, Stagers, Diserio, Swartzmiller, Doyle and Rowan:**

**H. B. 3030** - “A Bill to amend and reenact §5-10-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Retirement Act; and purchase of retroactive service credit, for periods of employment in which contributions were not deducted from the employee’s pay, in installments rather than in a lump sum”; to the Committee on Pensions and Retirement then Finance.

**By Delegates C. Martin, Howell, Paynter, Fleischauer, Hansen, Walker, Pyles, Nelson and Hott:**

**H. B. 3031** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, and §60-7-6 of said code; to amend said code by adding thereto a new section, designated §60-7-6a; to amend said code by adding thereto a new section, designated §60-7-8a; to amend and reenact §60-7-12 of said code; and to amend and reenact §61-8-27 of said code, all relating to permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees can only sell liquor by the drink; clarifying certain licensing requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines; creating a private fair and festival license; definitions; license requirements; license fee; creating the private hotel license and license fee; creating a private 9-hole golf course license and fee; definitions; license requirements; license fee; permitting a private resort hotel to have inner-connection with a resident brewer who has a brewpub; providing a 30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees who fail to timely file their renewal application and pay their annual

license fees; permitting a license privilege for certain licensees to operate a connected but separately operated Class A on-premises license and a Class B off-premises license; clarifying that certain state licensed gaming is permissible in a private club; and permitting minors to attend a private 9-hole golf course and a private fair or festival under certain conditions”; to the Committee on the Judiciary.

**By Delegates Cadle, Cooper, Howell, Harshbarger, Hott, Westfall, Sponaugle and Linville:**

**H. B. 3032** - “A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to modifying the types of bolts and arrows that may be used in crossbow hunting”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Lovejoy, Fluharty, Lavender-Bowe, Walker, Fleischauer, Robinson, Diserio, Canestraro, Campbell, Pushkin and Miller:**

**H. B. 3033** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; making legislative findings and intent; creating the Senior Farmers Market Nutrition Program Fund; and requesting additional moneys to be added to the fund”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Lovejoy, Canestraro, Fluharty, Miller and Campbell:**

**H. B. 3034** - “A Bill to amend and reenact §7-14D-2 of Code of West Virginia, 1931, as amended, relating to Deputy Sheriff Retirement System; amending definition of ‘partially disabled’”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Pyles, Pushkin, Longstreth, Staggers, Rowe, Diserio, Swartzmiller, Doyle, Canestraro and Rowan:**

**H. B. 3035** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §5-10-15d; to amend said code by adding thereto a new section, designated §7-14D-27a; to amend said code by adding thereto a new section,

designated §8-22A-27a; to amend said code by adding thereto a new section, designated §15-2-28a; to amend said code by adding thereto a new section, designated §15-2A-19a; to amend said code by adding thereto a new section, designated §16-5V-30a; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to providing members of certain state, county, and municipal public employee retirement plans an option to purchase service credit for time served in the Peace Corps; establishing time limits and conditions to exercise the option; providing for purchase by lump sum or installment payments; establishing method of calculation of actuarial reserve purchase amount; and cancelling the service credit if payments are not completed”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Sponaugle, Miller, Hott, C. Thompson, Boggs, Hartman, N. Brown, Staggers, Barrett, Caputo and Miley:**

**H. B. 3036** - “A Bill to amend and reenact §15-2A-6 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police Retirement System; permitting retiring at age 50 after 20 years of service, with 75 percent of full benefits”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Campbell, Higginbotham, Lovejoy, Canestraro, Pack, Paynter, Wilson, Angelucci, Miller, Maynard and Longstreth:**

**H. B. 3037** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-5b, relating to criminal procedure; body search procedure; and providing for a felony offense for failure to disclose possession of hypodermic needles”; to the Committee on the Judiciary.

**By Delegates Pushkin, S. Brown, Estep-Burton, Williams, Barrett, Maynard, Lavender-Bowe, Hornbuckle and C. Thompson:**

**H. B. 3038** - “A Bill to repeal §33-16E-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-16E-2, §33-16E-4, §33-16E-5, §33-16E-6 and §33-16E-7, all relating to increasing access to contraceptive drugs, devices, and procedures”;



to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Foster, Phillips, Malcolm and D. Jeffries:**

**H. B. 3039** - “A Bill to amend and reenact §48-9-206 and §48-9-402 of the Code of West Virginia, 1931, as amended, all relating to a court’s consideration of the expression of a preference by a child in certain child custody matters; and removing language giving priority to the preference of a 14-year-old”; to the Committee on the Judiciary.

**By Delegates Foster and Steele:**

**H. B. 3040** - “A Bill to repeal §23-2-1d of the Code of West Virginia, 1931, as amended, relating to prime contractors liability for subcontractors failure to make proper payments for workers’ compensation coverage”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Fleischauer, Walker, Hansen, Williams, Byrd, McGeehan, Phillips, Zukoff, Storch and Wilson:**

**H. B. 3041** - “A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to electioneering or distributing literature at early voting locations”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Foster, Westfall, Kessinger, Maynard, S. Brown and Skaff:**

**H. B. 3042** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-12d, relating to requiring prescriptions be made by electronic means; and providing exceptions”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 3043** - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services and not solely based upon an individual’s employment in municipality”; to the Committee on the Judiciary.

**By Delegates Williams, Summers, Fleischauer, Pyles, Walker, Hansen, Caputo, Miley, Zukoff, Queen and Sypolt:**

**H. B. 3044** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4 and §17-30-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule"; to the Committee on Government Organization.

**By Delegates Cowles, Maynard, Barrett, Skaff, Boggs and Williams:**

**H. B. 3045** - "A Bill to amend and reenact §7-18-2 of the Code of West Virginia, 1931, as amended, relating to exempting certain complimentary hotel rooms from hotel occupancy tax"; to the Committee on Finance.

**By Delegates Doyle, Lavender-Bowe, Campbell and S. Brown:**

**H. B. 3046** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §54-2-22, relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity"; to the Committee on the Judiciary.

**By Delegates Maynard, Hollen, Pack, Angelucci, Linville, Lovejoy, Miller, Paynter, J. Jeffries, Jennings and Queen:**

**H. B. 3047** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5V-36, relating to providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from any state or municipal tax, are not subject to execution, garnishment, attachment or any other process whatsoever with the exception that the benefits or contributions under the system shall be subject to 'qualified domestic relations orders,' and are generally unassignable"; to the Committee on the Judiciary then Finance.

**By Delegates Staggers, Steele, Angelucci, Miley and Shott:**

**H. B. 3048** - “A Bill to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating to permitting adjunct professors to serve on the institutional governing boards; providing for a term limit for adjunct professors to serve on the governing board; restricting county elected officials from serving on the governing boards of community or technical colleges; and permitting adjunct professors to serve on the governing boards of community and technical colleges”; to the Committee on Education.

**By Delegates Staggers, Angelucci, Jennings, Maynard and Summers:**

**H. B. 3049** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-29, relating to public health; improving dissemination of boiled water advisories to affected communities through local health departments and local emergency management 911 answering points, and through text or voice alert mass notification systems”; to the Committee on Health and Human Resources.

**By Delegates Howell, Hanshaw (Mr. Speaker), Householder, Pack, Boggs, Hamrick, Miley, Storch, Wilson and Byrd:**

**H. B. 3050** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, and §11-13EE-5, all relating to establishing the West Virginia Municipal Broadband Expansion Act; providing legislative findings and purpose; defining terms; providing rule-making authority; providing for customer tax rebate and tax credit incentives; setting standards for service providers; and establishing equipment value”; to the Committee on the Judiciary.

**By Delegates Bibby, Hardy, Cooper, J. Jeffries, Espinosa, Waxman, Wilson, Paynter, Fast, C. Martin and D. Jeffries:**

**H. B. 3051** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-4-7a, relating to requiring state, county, and municipal government agencies to provide all employees an annual statement of total

compensation; providing the annual statement of compensation for all employees to the State Auditor; and requiring the State Auditor to post information relating to the annual statement of total compensation for all employees at all agencies”; to the Committee on Government Organization.

**By Delegates Fleischauer, Pushkin, N. Brown, Hill, Hartman, Sponaugle, C. Thompson, Miley, Lavender-Bowe, Estep-Burton and Walker:**

**H. B. 3052** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4s, relating to ensuring coverage for residents with preexisting conditions”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Hott, Harshbarger, C. Martin, D. Kelly, Sponaugle, Rowan, Westfall, Phillips, Hollen, Toney and Mandt:**

**H. B. 3053** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-39, relating to rules for hunting antlered deer”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Howell, C. Martin, Pack, Hamrick and Wilson:**

**H. B. 3054** - “A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the state agency for surplus property; requiring the state agency that is the current owner of property to remove all livery or other features identifying the property as state property prior to disposition; and permitting the state agency for surplus property to establish any form or requirement to ensure livery is removed”; to the Committee on Government Organization.

**By Delegates Hornbuckle, Doyle, Pyles, Longstreth and Diserio:**

**H. B. 3055** - “A Bill to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating to permitting levies to pass with a majority of the vote”; to the Committee on the Judiciary.

**By Delegate Pethtel:**

**H. B. 3056** - “A Bill to amend and reenact §19-18-1 of the Code of West Virginia, 1931, as amended, relating to providing protections, under certain circumstances, to owners of livestock and other domestic animals when retrieving the animals after they have trespassed on the property of another”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Shott:**

**H. B. 3057** - “A Bill to amend and reenact §62-15-9a of the Code of West Virginia, 1931, as amended, relating to the Adult Drug Court Participation Fund; restructuring the language within the code; and establishing how the money in the fund may be used”; to the Committee on the Judiciary then Finance.

**By Delegates Hornbuckle, Pushkin, Longstreth, Skaff, Hicks, Diserio, Caputo and Stagers:**

**H. B. 3058** - “A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to granting full time employees of county boards of education three months of paid leave following the birth of a child, or the placement of a child in the home through adoption or foster care; and providing that the leave is in addition to any other leave available to the employee”; to the Committee on Education then Finance.

**By Delegates Campbell, Higginbotham, Canestraro, Lovejoy, Lavender-Bowe, Harshbarger, Pack, Wilson, Worrell, Angelucci and Diserio:**

**H. B. 3059** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to buck deer rifle hunting season; starting season two days earlier and requiring purchase of stamp”; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Criss and Nelson:**

**H. B. 3060** - “A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to amending the definition of ‘mortgage loan originator’; clarifying the definition”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Nelson, Criss, Westfall, Skaff and Hartman:**

**H. B. 3061** - “A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying the authority to make regulated consumer loans; providing that a person must first obtain a license from the Commissioner of Banking authorizing him or her to make regulated consumer loans before engaging in the business of making regulated consumer loans, taking assignments of or undertaking direct collection of payments from or enforcement of rights against consumers arising from regulated consumer loans; and adjusting threshold amounts of consumer loans for which certain finance charges can be imposed”; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Porterfield:**

**H. B. 3062** - “A Bill to amend and reenact §11A-3-4, §11A-3-19, §11A-3-52, and §11A-3-56 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-4-6 of said code, all relating to sale of delinquent tax liens; redemption; fees; purchaser’s obligations and rights; changing time for redemption and time to set aside a deed; and reducing the time to redeem by persons with disabilities”; to the Committee on the Judiciary then Finance.

**By Delegates Bibby, Hardy, Espinosa, Summers, Kessinger, Westfall, Hanna, Wilson, Butler, Higginbotham and Cooper:**

**H. B. 3063** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to allowing a taxpayer a personal income tax credit, up to \$500, for amounts expended on qualified educational expenses for each of the taxpayer’s children that participated in home educational instruction or attended a private school for the most recent academic year”; to the Committee on Education then Finance.

**By Delegate Steele:**

**H. B. 3064** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1,

§16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5 and §16-3E-6, all relating to establishing an intravenous drug user treatment and commitment process; defining terms; establishing a commitment procedure; requiring rule-making; and providing that an individual's gun rights are unaffected"; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

**By Delegate J. Kelly:**

**H. B. 3065** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing for a short title; providing for Legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells including for wells not producing in paying quantities; providing administrative and management responsibilities for the Chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; providing for rule-making authority and severability; and providing an effective date"; to the Committee on Energy.

**By Delegate Steele:**

**H. B. 3066** - "A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §62-12-30, relating to extended supervision for certain drug offenders; establishing supervised release penalty of up to 10 years for certain drug offenders; establishing when period of supervised release begins; providing for supervision by multijudicial circuit probation officers; clarifying terms of supervised release same as those for probation; establishing a fee for supervised release; establishing that court may modify or revoke supervised release; providing court required probation officer provide written conditions;

providing for supervised release following revocation; providing for delayed revocation”; to the Committee on the Judiciary.

**By Delegate Westfall:**

**H. B. 3067** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, 46A-6O-8, and §46A-6O-9, all relating to third-party litigation financing; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring that the litigation financiers amend their registration if their information changes or becomes inaccurate; providing that the Secretary of State may promulgate rules; providing that the terms of the litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay or offer to pay commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; providing an exception; providing that a litigation financier shall supply copies of the contract to the consumer or consumer’s attorney; providing that a litigation financier shall not attempt to waive any of consumer’s remedies; providing that a litigation financier shall not attempt to effect arbitration or otherwise effect waiver of a consumer’s right to a jury trial; providing that a litigation financier shall not offer legal advice; providing that a litigation financier shall not assign the litigation financing contract; providing that a litigation financing contract shall contain certain



disclosures and terms; providing form disclosures; providing that a violation shall render the contract unenforceable; providing that a court may award costs and attorneys' fees against defendant; clarifying authority of the Attorney General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing a maximum frequency annual fee charges; providing that fees may compound semiannually but not based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing maximum terms for fees; and restricting incorporation of prior obligations"; to the Committee on the Judiciary.

**By Delegates C. Thompson, Angelucci, Fleischauer and Lavender-Bowe:**

**H. B. 3068** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §19-2G-1, §19-2G-2, §19-2G-3, and §19-2G-4, all relating to sales by pet stores of dogs, cats or rabbits; providing definitions; requiring all such animals to be obtained from an animal control agency or shelter; maintaining records; and civil penalty"; to the Committee on the Judiciary.

**By Delegate Shott:**

**H. B. 3069** - "A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to the right of certain persons to limit possession of firearms on premises; and providing a limitation on certain persons possessing firearms upon property owned or leased by a chemical manufacturing facility or oil and gas refinery operating under an air quality permit issued by the West Virginia Department of Environmental Protection, Division of Air Quality on which the primary business conducted is the manufacture, use, storage, or transportation of hazardous, combustible, or explosive materials; and providing conditional exceptions to that limitation"; to the Committee on the Judiciary.

**By Delegate Hollen:**

**H. B. 3070** - "A Bill to amend and reenact §15-2A-6 of the Code of West Virginia, 1931, as amended, relating to the accrued

benefit of retirees in the West Virginia State Police Retirement System Plan B”; to the Committee on Pensions and Retirement then Finance.

**By Delegates Lavender-Bowe, Rohrbach, Rowe, Fleischauer, Doyle, Staggers, C. Thompson, Zukoff, Estep-Burton and Walker:**

**H. B. 3071** - “A Bill to amend and reenact §11-17-4b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, 16-5AA-2, and 16-5AA-3, all relating to electronic cigarettes; increasing the tax on electronic cigarette liquid; providing legislative findings; defining terms; creating the Young West Virginians Tobacco Cessation Initiative Fund; directing the Department of Health and Human Resources to administer the fund; and providing directives on expending funds to cover costs of administration and to promote tobacco use reduction in young West Virginians”; to the Committee on Health and Human Resources then Finance.

**By Delegate Fleischauer:**

**H. B. 3072** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4 and §24-2G-5, all relating to permitting customers and developers to enter into solar power purchase agreements; setting forth the benefits, purpose and considerations; and granting rule-making authority”; to the Committee on Energy.

**By Delegates Skaff, Steele, Robinson, Capito and Byrd:**

**H. B. 3073** - “A Bill to amend and reenact §29-21-16 of the Code of West Virginia, 1931, as amended, relating to authorizing a court administrator to make determinations of financial eligibility for public defender services”; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 3074** - “A Bill to amend and reenact §48-9-601 of the Code of West Virginia, 1931, as amended, relating to ensuring that legal or biological parents have equal access to any and all copies of birth registry forms submitted to the hospital by the mother, or any other person, for the purpose of registering the birth of the child

with the West Virginia Vital Registration Office”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Criss:**

**H. B. 3075** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-3a, relating to terminating the Public Service Commission”; to the Committee on the Judiciary.

**By Delegate Criss:**

**H. B. 3076** - “A Bill to repeal §17C-17B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-17B-1, §17C-17B-2, §17C-17B-4 and §17C-17B-5 of said code, all relating to transferring the jurisdiction over the administration and enforcement of state statutes and rules relating to inspecting vehicles and loads for safety, size, weight, and vehicular weight, and the jurisdiction over the issuance of permits for excess vehicular weight from the Public Service Commission to the State Police”; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Skaff, Estep-Burton, Pushkin, Byrd, Walker, Rowe and Robinson:**

**H. B. 3077** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-2-38, relating to permitting election day registration of voters”; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Estep-Burton, C. Thompson, Lavender-Bowe and Doyle:**

**H. B. 3078** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §21-5F-1, §21-5F-2, §21-5F-3, §21-5F-4, §21-5F-5, §21-5F-6, §21-5F-7, §21-5F-8, §21-5F-9, §21-5F-10, §21-5F-11, §21-5F-12, §21-5F-13, §21-5F-14, §21-5F-15, §21-5F-16, §21-5F-17, §21-5F-18, §21-5F-19, §21-5F-20, §21-5F-21, §21-5F-22, §21-5F-23, §21-5F-24, §21-5F-25, §21-5F-26, §21-5F-27, §21-5F-28, §21-5F-29, §21-5F-30, §21-5F-31, §21-5F-32, §21-5F-33, §21-5F-34, §21-5F-35, §21-5F-36, §21-5F-37, §21-5F-38, §21-5F-39, §21-5F-40, §21-5F-41, §21-5F-42, §21-5F-43, §21-5F-44, §21-5F-45, §21-5F-

46, §21-5F-47, §21-5F-48, §21-5F-49, §21-5F-50, §21-5F-51, §21-5F-52, §21-5F-53, §21-5F-54, §21-5F-55, §21-5F-56, §21-5F-57, §21-5F-58, §21-5F-59, §21-5F-60, §21-5F-61, §21-5F-62, §21-5F-63, §21-5F-64, §21-5F-65, §21-5F-66, §21-5F-67, §21-5F-68, §21-5F-69, §21-5F-70, §21-5F-71, §21-5F-72, §21-5F-73, §21-5F-74, §21-5F-75, §21-5F-76, §21-5F-77, §21-5F-78, §21-5F-79, §21-5F-80, §21-5F-81, §21-5F-82, §21-5F-83, §21-5F-84, §21-5F-85, §21-5F-86, and §21-5F-87, all relating generally to paid family and medical leave; intent; definitions; benefit eligibility leave entitlement and expiration; limitations, disqualifications and employee penalties; benefit amounts and duration; time of payment; contesting application; premiums; elective coverage; tribes; notice to employers; application, certification and verification; voluntary plan; advisory committee; child support; employment protection; recovery of benefit payments; employer requirements; appeals; interest on delinquent premiums; lien for premiums; order and notice of assessment; jeopardy assessment; distraint, seizure and sale; notice and order to withhold and deliver; warrant; collection by civil action; injunction proceedings; charge off of uncollectible accounts; premiums due and payable upon termination or disposal of business; employer penalties; other benefits; health benefits; employee notice of rights; employer prohibitions; investigations and appeals; remedies; posting of notice; family and medical leave enforcement account; other laws-discrimination; miscellaneous rights; coordination of leave under other laws; federal income taxes; no continuing right; family and medical leave insurance account; small business assistance; rules; reports; collective bargaining; and ombudsperson”; to the Committee on Banking and Insurance then Finance.

**By Delegates Zukoff and Storch:**

**H. B. 3079** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to withholding tax on income from natural resources royalty payments; defining terms; providing exceptions to the withholding tax requirement; requiring annual withholding statements and filing requirements; requiring electronic filing under specified circumstances; creating penalties; providing for

rulemaking; and providing internal effective date”; to the Committee on Energy then Finance.

**By Delegates Skaff, Rowe, Hornbuckle, Boggs, Ellington, Sponaugle, Longstreth and Williams:**

**H. B. 3080** - “A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels to adjusted 2013 fiscal year appropriation levels”; to the Committee on Education then Finance.

**By Delegates Fluharty, Lovejoy, Hornbuckle, Maynard, Bates, Hansen and Pushkin:**

**H. B. 3081** - “A Bill to amend the Code of West Virginia, 1931, by adding thereto three new sections, designated §11-13EE-1, §11-13EE-2, and §11-13EE-3; and to amend and reenact §55-7D-1 and §55-7D-3 of said code, all relating to Good Samaritan Food Donation Act; establishing a tax credit against corporation net income tax for retail food distributors that donate certain surplus food products to nonprofit organizations; providing for credit to apply to either personal income or corporate net income tax liabilities; placing limitations and qualifications for the tax; directing the Tax Commissioner to promulgate rules and forms; and directing the Department of Health and Humans Resources to distribute certain information regarding tax credit availability”; to the Committee on Finance.

**By Delegates Fluharty and Barrett:**

**H. B. 3082** - “A Bill to repeal §55-9-1, §55-9-2, and §55-9-3 of the Code of West Virginia, 1931, as amended, all relating to repealing antiquated provisions relating to void gaming contracts, recovery and loss of money in gaming, and recovery of gaming losses by bill in equity”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Hanshaw (Mr. Speaker) and Miley:**

**H. B. 3083** - “A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation and adding temporary work by

employees during the legislative session is excluded from the term employment”; to the Committee on the Judiciary.

**By Delegate Hanshaw (Mr. Speaker)**

**[By Request of the Executive]:**

**H. B. 3084** - “A Bill supplementing and amending by adding a new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to Governor’s Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 3085** - “A Bill supplementing and amending by increasing an existing item of appropriation and adding new item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the State Board of Education, State Department of Education, Fund 0313, fiscal year 2019, organization 0402, and to the State Board of Education, Vocational Division, fund 0390, fiscal year 2019, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019. Whereas, The Governor submitted to the Legislature the Executive Budget document, dated January 9, 2019, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2018, and further included a revised estimate of revenues for the fiscal year 2019, less net appropriation balances forwarded and regular appropriations for the fiscal year 2019”; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 3086** - “A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, and to amend and reenact §5A-3-3c of said code, relating to allowing for contracts for construction, demolition or rehabilitation resulting from the response, recovery and relief related to a declared state of emergency to be entered into by state spending units without bids”; to the Committee on Government Organization.

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

**H. B. 3087** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating to interagency procurement of commodities and services, and authorizing state spending units to enter into contracts for commodities and services with other state spending units”; to the Committee on Finance.

**By Delegates Miley, Miller and Canestraro:**

**H. B. 3088** - “A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years”; to the Committee on Political Subdivisions then Finance.

**By Delegates Miley, Pushkin, Staggers, Estep-Burton,  
Angelucci, Lavender-Bowe, Bates and Walker:**

**H. B. 3089** - “A Bill to amend and reenact §30-3-13 and §30-3-13a of the Code of West Virginia, 1931, as amended, all relating to modifying licensing requirements for the practice of telemedicine and surgery or podiatry; and providing exceptions, notice requirements, and criminal penalties”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3090** - “A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to employment, promotion and transfer of professional personnel by county boards of education; requiring a random selection system when two or more employees with the same certification establish an identical seniority date; and specifying requirements of system”; to the Committee on Education.

**By Delegate Sybolt:**

**H. B. 3091** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-5-210, relating to requiring receipt of the reason, order, notice, or other information relating to a person being required to undergo a

psychological or mental health evaluation during divorce and child custody proceedings”; to the Committee on the Judiciary.

**By Delegates Atkinson, J. Kelly, Westfall, Criss, Nelson, D. Jeffries, Jennings, Hollen, Butler, P. Martin and Cowles:**

**H. B. 3092** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the West Virginia Development Office to consider certain applications; requiring the Public Service Commission consider certain plans; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section”; to the Committee on Government Organization.

**By Delegate Cowles:**

**H. B. 3093** - “A Bill to amend and reenact §8A-11-1 of the Code of West Virginia, 1931, as amended, relating to standards for factory-built homes; providing for building code requirements for manufactured housing to be the same as for requirements for other single-family homes”; to the Committee on Government Organization.

**By Delegates Longstreth, Fleischauer, Doyle, Pyles, Williams, Pushkin, Zukoff and Evans:**

**H. B. 3094** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-3B; and to amend and reenact §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7, and §3-10-8 of said code, all relating to political affiliation of elected officials; providing legislative findings regarding constitutional conflicts and public policy to protect the voters choices; providing that if an elected official changes parties resulting in vacancy of elected office, requiring that vacancies in certain elected offices be filled by persons of the same political party of which the person vacating the office was a member at his or her time of election”; to the Committee on the Judiciary.



**By Delegates Summers, Hollen, Graves, Anderson, Malcolm, Pack, Pethel and Evans:**

**H. B. 3095** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22i; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to establishing a minimum monthly retirement annuity for certain retirants with 25 or more years of credited service"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3096** - "A Bill to repeal §18B-1B-6 of the Code of West Virginia, 1931, as amended; to repeal §18B-1D-3, §18B-1D-6 and §18B-1D-7 of said code; to repeal §18B-7-8 and §18B-7-16 of said code; to repeal §18B-10-4 of said code; to amend and reenact §18B-1-1a, §18B-1-2, and §18B-1-6 of said code; to amend and reenact §18B-1A-4 and §18B-1A-5 of said code; to amend and reenact §18B-1B-1, §18B-1B-2, §18B-1B-3, §18B-1B-4, and §18B-1B-5 of said code; to amend and reenact §18B-1D-1, §18B-1D-2, §18B-1D-4, §18B-1D-5, and §18B-1D-8 of said code; to amend and reenact §18B-2A-3, §18B-2A-4, §18B-2B-6, and §18B-2B-7 of said code; to amend and reenact §18B-3-3 of said code; to amend and reenact §18B-4-1, §18B-4-2, and §18B-4-7 of said code; to amend and reenact §18B-10-1 and §18B-10-2 of said code; to amend and reenact §18B-13-5 of said code; to amend and reenact §18B-19-1, §18B-19-2, §18B-19-3, §18B-19-4, §18B-19-5, §18B-19-6, §18B-19-7, §18B-19-9, §18B-19-11, §18B-19-13, §18B-19-14, and §18B-19-17 of said code, all relating to four-year higher education; altering the process for the approval, evaluation, and compensation of presidents; eliminating outdated reporting requirements; eliminating provisions relating to statewide compacts; repealing outdated study, transfer, transition, and code sections; establishing legislative intent; defining terms; providing rulemaking authority for the Office of Postsecondary Education and governing boards; clarifying legislative financing and funding goals; providing a process for submission of budget requests and appropriations; establishing the Office of Postsecondary Education as the successor to the Higher Education Policy Commission; establishing the Office of Postsecondary Education board of

managers; providing procedures for meetings for the Office of Postsecondary Education; establishing the authorities of the Office of Postsecondary Education; establishing the authorities of the director of the Office of Postsecondary Education; clarifying the master planning process for four-year institutions of higher education; clarifying the process of institutional and system report cards; clarifying the duties of governing boards; clarifying the authorities of the chancellor of the community and technical college system; limiting the authority of institutions of higher education to increase tuition for state residents; revising the approval processes relating to capital and real estate transactions and related planning for four-year institutions of higher education; and eliminating requirements relating to higher education facilities information systems”; to the Committee on Education then Finance.

**By Delegates Skaff, Barrett, Williams, Boggs, Storch, Maynard and Miley:**

**H. B. 3097** - “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, §11-6L-5, §11-6L-6, and §11-6L-7; and to amend said code by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8, §11-13EE-9, §11-13EE-10, §11-13EE-11, §11-13EE-12, §11-13EE-13, §11-13EE-14, §11-13EE-15, §11-13EE-16, §11-13EE-17, and §11-13EE-18, all relating to creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act; defining terms; specifying method for valuation of certain property; providing for application to county assessors by specified date; providing procedure for protest and appeal of determination by county assessor; requiring the West Virginia Development Office to report to the Joint Committee on Government and Finance on the economic impact; specifying effective date; making legislative findings; allowing credits and exemptions from certain taxes; providing for computation of credit, application of credit and period for which credit is allowed; requiring application to claim credit; requiring that new jobs be good-paying jobs with health

benefits; requiring identification of investment credit property and recomputation of credit in event of premature disposition of investment property; providing for forfeiture of unused tax credits and redetermination of credit allowed; imposing recapture tax under specified circumstances to recover state taxes and property taxes; allowing transfer of qualified investment to successors; providing for tax credit review and accountability; specifying effective date and termination date; providing rule-making authority; and providing a severability clause”; to the Committee on Finance.

**By Delegates Williams, Lavender-Bowe, C. Thompson, Estep-Burton, Westfall, Cooper, Campbell, Fluharty and Pushkin:**

**H. B. 3098** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §60-4-3c, relating to allowing the same business owner to brew and sell beer to also distill and sell liquor”; to the Committee on Government Organization.

**By Delegates Pushkin, Criss, Estep-Burton, Robinson, Fluharty and Skaff:**

**H. B. 3099** - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to eliminating payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries that the commissioner distributes to market zone retailers”; to the Committee on Government Organization.

**By Delegates Espinosa, Cowles and Householder:**

**H. B. 3100** - “A Bill to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-8, §11-16-9, §11-16-10, §11-16-12, and §11-16-17a of the Code of West Virginia, 1931, as amended, all relating to clarifying certain provisions of the Nonintoxicating Beer Act by creating a temporary license for nonintoxicating beer floor plan extensions of existing licensee floorplans; implementing a fee for the license; removing the two growler limit per patron per day for licensees who sell growlers for off premises consumption; providing a 30-day requirement to issue or deny a license application once the application is completed;

implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a transportation permit for nonintoxicating beer; implementing a fee for the permit; licensing brewers, resident brewers and distributor representatives; implementing a fee for the license; removing the bond requirements for brewers, resident brewers, distributors and Class S licenses; requiring nonintoxicating beer label registration; and implementing a fee for the registration and subsequent renewals every three years”; to the Committee on Government Organization.

**By Delegate Westfall:**

**H. B. 3101** - “A Bill to repeal §7-1-3ss of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3, §11-16-5, §11-16-6a, §11-16-6b, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto a new section, designated §11-16-11b; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-3-12 of said code; to amend and reenact §60-3A-18 and §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto a new section, designated §60-7-8a; to amend and reenact §60-8-3, §60-8-20, and §60-8-34 of said code; and to amend and reenact §61-8-27 of said code, all relating generally to modernizing certain nonintoxicating beer, nonintoxicating craft beer, beer, wine, and liquor laws by permitting certain hours of operation; defining terms; repealing section of the code authorizing county option elections on Sunday sales; defining terms; removing the two growler limit per patron per day for licensees who sell growlers for off-premises consumption; increasing allowable growler size to 128 ounces; creating a sampling license for retailers authorized to sell growlers and setting a fee for the license; placing limitations on complimentary samples; requiring complimentary food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attend sampling events; creating a temporary license for

nonintoxicating beer floorplan extensions of existing licensee floorplans; implementing a fee for the new license; implementing a reactivation fee for licensees that fail to timely file their renewal applications and pay their license fees; creating a one-day special license for certain nonprofit and tax exempt entities hosting artistic, athletic, charitable, educational, or religious events to purchase and sell nonintoxicating beer and nonintoxicating craft beer; providing limitations on special licenses; setting forth requirements for special licenses; setting forth the commissioner's authority; reducing the membership requirement for a private golf club; creating alternating wine proprietorships for wineries and farm wineries; setting forth requirements for the parties to the alternating wine proprietorship agreements; setting forth production standards, including amount of raw West Virginia products which are required to be used; licensure requirements; clarifying that the Alcohol Beverage Control Administration may request the assistance of county and municipal law enforcement; clarifying days and hours for liquor sales; permitting a distillery or mini-distillery to apply, pay the fee, and qualify for a Class A private club license; clarifying types of sales permitted by a distillery or mini-distillery; providing a five percent markup rate for mini-distilleries for sampling; declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes; clarifying sampling procedures and requirements for wineries and farm wineries; prohibiting the adulteration of any alcoholic liquor by adding liquid designed to increase alcohol content or potency; permitting certain charitable events to auction wine bottles for off-premises consumption; penalties; clarifying that certain West Virginia licensees can only sell liquor by the drink; clarifying certain requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines, and prohibiting the sale of premixed alcoholic liquors, with certain exceptions; creating a private club and carryout license with attendant requirements therefor; permitting the sale of wine in Division II and III college stadiums; creating a private fair and festival license; setting forth qualifications for applicants; placing limitations on complimentary samples; requiring complimentary

food be available; setting forth age restrictions; placing restrictions on licensed representatives of a brewer, resident brewer, or distributor who attends or operates sampling events; clarifying that private resort hotel licensees may operate a resident brewer and brew pub; authorizing issuance of private club and carryout licenses and establishing criteria and setting a fee therefor; authorizing issuance of private hotel licenses and establishing criteria and fees therefor; setting forth qualifications for applicants; setting a license fee; permitting minors to attend private fairs or festivals under certain conditions; clarifying prohibition against bring your own bottle with exceptions for wine under certain circumstances; directing the commissioner to propose rules for allowing patrons to bring wine into licensed premises and restaurant facilities with an allowance for a corkage fee; stating that any such rule shall not take effect until approved by the Legislature; permitting the commissioner to sanction a licensee for failing to comply with the 48-hour notification requirement; and requiring promulgation of proposed legislative rules”; to the Committee on Government Organization.

**By Delegates Espinosa, Cowles, Summers, Householder and Westfall:**

**H. B. 3102** - “A Bill to amend and reenact §60-1-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3b of said code; to amend and reenact §60-6-8 of said code; and to amend and reenact §60-8-3, §60-8-17 and §60-8-20 of said code, all relating to creating alternating wine proprietorships for wineries and farm wineries; clarifying sampling procedures and requirements for wineries and farm wineries; permitting certain charitable events to auction wine bottles for off-premises consumption; clarifying alcoholic liquors are sold by the drink in certain Class A licenses; stating when lawful to conduct wine bottle sales in certain Class A licenses; permitting the sale of wine in Division II and III college stadiums; providing a 30-day requirement to issue or deny a completed license application; and creating a re-activation fee for licensees that fail to timely file their renewal applications and pay their license fees”; to the Committee on Government Organization.

**By Delegates Espinosa and Householder:**

**H. B. 3103** - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and mini-distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays”; to the Committee on Government Organization.

**By Delegate Hamrick:**

**H. B. 3104** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-16a, relating to the allowing an out-of-state person engage in business without a West Virginia license as a producer, exporter, importer, retailer or wholesaler if a nonintoxicating beer is not available within the state”; to the Committee on Government Organization.

**By Delegate Espinosa:**

**H. B. 3105** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-17a; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto two new sections, designated §60-7-6a and §60-7-8a; and to amend and reenact §61-8-27 of said code, all relating to permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees can only sell liquor by the drink; clarifying certain licensing requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines; creating a private fair and festival license; definitions; license requirements; license fee; creating the private hotel license and license fee; creating a private nine-hole golf course license and fee; definitions; license requirements; license fee; permitting a private resort hotel to have inner-connection with a resident brewer

who has a brewpub; providing a 30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees who fail to timely file their renewal application and pay their annual license fees; permitting a license privilege for certain licensees to operate a connected but separately operated Class A on-premises license and a Class B off-premises license; clarifying that certain state licensed gaming is permissible in a private club; and permitting minors to attend a private nine-hole golf course and a private fair or festival under certain conditions”; to the Committee on Government Organization.

**By Delegates Howell, C. Martin, Hamrick and Wilson:**

**H. B. 3106** - “A Bill to amend and reenact §60-3A-17 of the Code of West Virginia, 1931, as amended, relating to requiring retail licensees to purchase at least 10 percent of available SKUs from the commissioner; removing pricing restrictions for retail licensees; removing square footage requirements to conduct or restrict alcohol sales; establishing certain conditions for a retail licensee to display at least one of every SKU for sale by a retail licensee to its patrons; and requiring the commissioner to supply or reasonably attempt to supply a prepaid order for a retail licensee”; to the Committee on Government Organization.

**By Delegate S. Brown:**

**H. B. 3107** - “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 the Secretary of the Department of Revenue to post on the Internet a unified economic development report to provide policymakers and taxpayers with a comprehensive accounting of all economic development spending; providing that confidentiality provisions contained in the code do not apply to information required under this section; and requiring state agencies to help the secretary collect and compile the information required to be reported by this section”; to the Committee on Government Organization then Finance.

**By Delegates S. Brown, Hornbuckle, Williams, Pyles, Byrd and Walker:**

**H. B. 3108** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1,



§19-37-2 and §19-37-3; to amend said code by adding thereto a new article, designated §51-12-1 and §51-12-2; to amend and reenact §60A-2-204 of said code; and to amend said code by adding thereto a new section, designated §61-11-27, all relating to the normalization of cannabis laws; providing legislative findings; permitting adult uses of cannabis; providing for cannabis testing; prohibiting state civil asset forfeiture; providing notice of transitional services to incarcerated offenders; requiring the expungement of cannabis offender records”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates S. Brown, Angelucci and Walker:**

**H. B. 3109** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-2F-1, §15-2F-2 and §15-2F-3, all relating to implementing the Statewide Sexual Assault Evidence Collection Kit Tracking System; requiring reports; requiring a working group be formed; and requiring rule-making”; to the Committee on the Judiciary.

**By Delegates S. Brown, Hanna, Angelucci and Walker:**

**H. B. 3110** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-9a, relating to removing the statute of limitations on any misdemeanor which involves a child under 18 years of age”; to the Committee on the Judiciary.

**By Delegate S. Brown:**

**H. B. 3111** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creating the Sexual Assault Victims’ Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding medical forensic examinations, sexual assault evidence collection kits, and other similar topics; clarifying the right of a victim to be accompanied by a personal representative during certain proceedings; requiring sexual assault victims be informed or notified of certain rights; incorporating other rights contained in code; and defining terms”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hanshaw (Mr. Speaker):**

**H. B. 3112** - “A Bill to repeal §11-13Q-20 the Code of West Virginia, 1931, as amended; to repeal §11-13R-11 of said code; to repeal §11-13S-10 of said code; to repeal §11-13U-8 of said code; to repeal §11-13X-11 of said code; to repeal §11-13AA-9 of said code; to repeal §11-13BB-11 of said code; to amend said code by adding thereto a new article, designated §5-9A-1, §5-9A-2, §5-9A-3 and §5-9A-4; to amend and reenact §5B-2-16 of said code; and to amend said code by adding thereto a new section, designated §5B-2-17, all relating to job creation and incentives; repealing existing requirements for tax credit analysis by the State Tax Department; creating the Tax and Economic Incentives Review Committee; providing for the review of all tax and economic incentives relating to job creation once every four years; providing guidelines for the review of incentives; providing for reports to the Governor and the Legislature relating to tax and economic incentives; specifying programs for use of moneys in the entrepreneurship and innovation fund; creating the West Virginia Entrepreneurship and Innovation Authority; granting the authority the power to act in its own power; providing that the West Virginia Development Office shall provide staff for the authority; detailing the duties of the authority to encourage and coordinate programs and investments which enhance the competitiveness of West Virginia companies in the global economy; providing the authority with the ability to expend and distribute moneys in the Entrepreneurship and Innovation Fund; and defining terms”; to the Committee on Finance.

**By Delegate Byrd:**

**H. B. 3113** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-46, relating to directing county school boards to construct covered bus stops for public school children”; to the Committee on Education then Finance.

**By Delegate Sypolt:**

**H. B. 3114** - “A Bill to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating to eliminating

the requirement that schools be closed on election days”; to the Committee on Education then the Judiciary.

**By Delegate Pushkin:**

**H. B. 3115** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-28, relating to extending the prescription length of certain life sustaining emergency prescriptions”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegate Caputo:**

**H. B. 3116** - “A Bill to amend and reenact §11-16-6a and §11-16-6b of the Code of West Virginia, 1931, as amended, relating to removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers by brewers, brewpubs, retailers and private clubs”; to the Committee on Government Organization.

**By Delegates Sypolt and Jennings:**

**H. B. 3117** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-16-1, relating to prohibiting the Legislature from negotiating with illegal strikers”; to the Committee on the Judiciary.

**By Delegate Sypolt:**

**H. B. 3118** - “A Bill to amend and reenact §4-1-6 the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2A-5a; and to amend said code by adding thereto a new section, designated §18A-5-7a, all relating to mandatory drug testing for state legislators and teachers; to the Committee on Education then the Judiciary.

**By Delegate Azinger:**

**H. B. 3119** - “A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating generally to the ethical standards for elected and appointed officials and public employees; and increasing the class size of similarly situated persons or businesses that includes a person who is also a public official, excluding members of the Legislature, that determines

whether a public official may vote on a matter before him or her”; to the Committee on the Judiciary.

**By Delegates Doyle, Pyles and Hansen:**

**H. B. 3120** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, and §20-17-14, all relating to requiring the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drinks and for beer, ale or other malt drinks of any alcoholic content and for certain other beverage containers; requiring the use of unredeemed bottle deposits; prescribing the powers and duties of certain state agencies and officials; and prescribing penalties and remedies”; to the Committee on Industry and Labor then Government Organization.

**By Delegates S. Brown, Pyles, Zukoff, Walker and Lavender-Bowe:**

**H. B. 3121** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, and §21-17-10, all relating to enacting fair workweek employment standards; requiring certain retail, hospitality, and food services establishments, and property services companies to meet certain employment standards; requiring advance notice of work schedules and compensation for changed work schedules; providing a right to rest between work shifts; requiring offer of work to existing employees; providing protections for the exercise of rights; prohibiting retaliation; and including provisions for rules, certain notice requirements, required employer records, and enforcement, including criminal penalties”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates S. Brown, Pyles, Zukoff, Walker and Lavender-Bowe:**

**H. B. 3122** - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new section, designated §18B-4-5b, relating to requiring state institutions of higher

education and community and technical colleges to adopt policies and programs relating to sexual assault, domestic violence, dating violence, and stalking involving students”; to the Committee on Education then the Judiciary.

**By Delegates S. Brown, Pyles and Lavender-Bowe:**

**H. B. 3123** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, and §11-28-6, all relating to creating the Taxpayer Protection Act; providing definitions; when a recipient corporation is subject to subsidy recapture or rescission; enforcement actions; providing that enforcement records are public records; and providing for severability”; to the Committee on Finance.

**By Delegates Fleischauer, Higginbotham, Walker, S. Brown, Miley, C. Thompson, Linville, Lovejoy, Canestraro, Fluharty and Byrd:**

**H. B. 3124** - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on disability, gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as ‘Angel’s Law’”; to the Committee on the Judiciary.

**By Delegates Doyle, Campbell, Lavender-Bowe, Zukoff, Evans, Dean and Hornbuckle:**

**H. B. 3125** - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to directing the Higher Education Policy Commission to coordinate a plan to provide the first two years of post-secondary education for free tuition to state high school graduates”; to the Committee on Education then Finance.

**By Delegate Queen:**

**H. B. 3126** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9q, relating to providing an exemption from the consumer sales and

service tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of aircraft with an empty weight of 13,500 pounds or greater; defining terms; specifying a method for claiming exemption; authorizing emergency rules and promulgation of legislative rules; and establishing the effective date of the section”; to the Committee on Finance.

**By Delegates Ellington, Porterfield, Kessinger, Fast, Wilson, Jennings and Worrell:**

**H. B. 3127** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the Secondary School Activities Commission and participation by home schooled students in extracurricular activities”; to the Committee on Education.

The following bills were introduced pursuant to House Rule 92:

**By Delegates Toney, Paynter, Hornbuckle, Campbell, Dean and Evans:**

**H. B. 3128** - “A Bill to amend and reenact §18A-2-13 of the Code of West Virginia, 1931, as amended, relating to changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals prepared and served”; to the Committee on Education then Finance.

**By Delegates Hornbuckle and Higginbotham:**

**H. B. 3129** - “A Bill to repeal §16A-5-10 the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, §5B-8-10, §5B-8-11, §5B-8-12, §5B-8-13, §5B-8-14, §5B-8-15, and §5B-8-16; to amend and reenact §16A-15-4 of said code; and to amend said code by adding thereto a new section, designated §60A-7-708, all relating to decriminalizing cannabis; providing a short title; providing legislative purpose and findings; providing for definitions; permitting the possession of cannabis and cannabis products by adults; permitting production and adult use of cannabis; restricting public smoking of cannabis;

prohibiting false identification to obtain cannabis; providing for the unlawful extraction of cannabis; providing for the lawful operation of a cannabis facility; permitting growing and possession of cannabis by adults; providing procedure for municipalities to enact an ordinance to permit cannabis production and sales; regulating market activity for the production, sales, transfer and transport of cannabis; establishing diversity licensing goals for minority, women, and veteran owned businesses; establishing mechanisms for permitting and licensing production and sales facilities by the Department of Commerce and localities; authorizing the department to promulgate rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; providing for safety warning and inserts on cannabis products; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund to additional funds; creating new funds for excise tax deposits; providing for a portion of tax collected benefit municipal governments where market activity occurs; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; providing for background checks to employ anyone in a cannabis establishment; establishing certain conditions for employees to pass background checks; providing that no medical cannabis provisions are affected; expanding protections to employees relating to employment and the use of medical cannabis; and prohibiting asset forfeiture”; to the Committee on the Judiciary then Finance.

**By Delegates Toney, Phillips, Steele, Pack, Lovejoy, Maynard, Paynter, Dean, Hornbuckle, Campbell and Evans:**

**H. B. 3130** - “A Bill to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to creating three separate job titles for school bus operators; and establishing pay scales”; to the Committee on Education.

## Special Calendar

### Third Reading

**Com. Sub. for H. B. 2330**, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter; 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. 123**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2330) 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. 2405**, Imposing a healthcare related provider tax on certain health care organizations; 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. 124**), and there were—yeas 89, nays 10, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster, Hardy, Linville, C. Martin, P. Martin, McGeehan, Paynter, Porterfield, Steele and Wilson.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2405) 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. 2468**, Department of Agriculture Capital Improvements Fund; on third reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**Com. Sub. for H. B. 2674**, Creating a student loan repayment program for a mental health provider; 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 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, McGeehan, Steele and Wilson.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) 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. 2734**, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer 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. 126**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Foster and Steele.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2734) 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. 2813**, Relating generally to collection of use tax; 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 89, nays 10, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Harshbarger, Howell, J. Jeffries, Maynard, McGeehan, Paynter, Wilson and Worrell.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2813) passed.

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

### Second Reading

**Com. Sub. for S. B. 18**, Relating to crimes committed on State Capitol Complex; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 61**, Adding certain crimes for which prosecutor may apply for wiretap; 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 on page one, after the enacting

clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.**

**§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.**

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in §62-1D-7 of this code and the judge, in accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral, or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (1) Kidnapping or abduction, as defined and prohibited by the provisions of §61-2-14 and §61-2-14a of this code and including threats to kidnap or demand ransom, as defined and prohibited by the provisions of §61-2-14c of this code; (2) any offense included and prohibited by §25-4-11, §61-5-8, §61-5-9, and §61-5-10 or §62-8-1 of this code to the extent that any of said sections provide for offenses punishable as a felony; (3) felony violations of §60A-1-101 *et seq.* of this code; (4) violations of §61-14-1 *et seq.* of this code; (5) violations of §61-2-1 of this code; (6) violations of §61-2-12 of this code; (7) felony violations of §61-8B-1 *et seq.* of this code; (8) violations of §61-1-1 of this code; (9) violations of §61-13-3 of this code; (10) extortion, as defined in §61-2-13 of this code; or (11) any aider or abettor to any of the offenses referenced in this section or any conspiracy to commit any of the offenses referenced in this section if any aider, abettor, or conspirator is a party to the communication to be intercepted.”

On motion of Delegates Storch and Steele, the amendment recommended by the Judiciary Committee was amended on page one, after the article heading, by inserting the following:

**“§62-1D-6. Admissibility of evidence.**

Evidence obtained, directly or indirectly, by the interception of any wire, oral or electronic communication shall be received in evidence only in grand jury proceedings and criminal proceedings in magistrate court, ~~and~~ circuit court and any other court of competent jurisdiction: *Provided*, That evidence obtained in violation of the provisions of this article shall not be admissible in any proceeding.”

And,

On page one, following line seventeen, by adding the following section:

**“§62-1D-9. Lawful disclosure or use of contents of communication.**

(a) Any investigative or law-enforcement officer who has obtained knowledge of the contents of any wire, oral or electronic communication or evidence derived therefrom, may disclose the contents to another investigative or law-enforcement officer of any state or any political subdivision thereof, the United States or any territory, protectorate, or possession of the United States, including the District of Columbia, only to the extent that the disclosure is required for the proper performance of the official duties of the officer making or receiving the disclosure, however, a record of such disclosure and the date, time, method of disclosure, and the name of the person or persons to whom disclosure is made shall be forwarded, under seal, to the designated circuit judge who authorized such interception, who shall preserve said record for not less than ten years. In the event the designated judge shall leave office prior to the expiration of this ten-year period, he or she shall transfer possession of said record to another designated judge.

(b) Any investigative or law-enforcement officer who has obtained knowledge of the contents of any wire, oral, or electronic communication or evidence derived therefrom or any investigative or a law-enforcement officer of any state or any political subdivision thereof, the United States or any territory, protectorate

or possession of the United States, including the District of Columbia, who obtains such knowledge by lawful disclosure may use the contents to the extent that the use is appropriate to the proper performance of his or her official duties under the provisions of this article.

(c) Any person who has received any information concerning a wire, oral, or electronic communication intercepted in accordance with the provisions of this article or evidence derived therefrom, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any criminal proceeding held under the authority of this state, ~~or of any political subdivison of this state,~~ or the federal courts of the United States.

(d) An otherwise privileged wire, oral, or electronic communication intercepted in accordance with, or in violation of, the provisions of this article does not lose its privileged character: *Provided*, That when an investigative or law-enforcement officer, while engaged in intercepting wire, oral, or electronic communications in the manner authorized by this article, intercepts a wire, oral, or electronic communication and it becomes apparent that the conversation is attorney-client in nature, the investigative or law-enforcement officer shall immediately terminate the monitoring of that conversation: *Provided, however*, That notwithstanding any provision of this article to the contrary, no device designed to intercept wire, oral, or electronic communications shall be placed or installed in such a manner as to intercept wire, oral, or electronic communications emanating from the place of employment of any attorney at law, licensed to practice law in this state.

(e) When an investigative or law-enforcement officer, while engaged in intercepting wire, oral, or electronic communications in the manner authorized herein, intercepts wire, oral, or electronic communications relating to offenses other than those specified in the order of authorization, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in §62-1D-9(a), and §62-1D-9(b) of this code. Such contents and any evidence derived therefrom may be used under §62-1D-9(c) of this

code when authorized or approved by the designated circuit judge where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this article. The application shall be made as soon as may be practicable after such contents or the evidence derived therefrom is obtained.

(f) Any law-enforcement officer of the United States, who has lawfully received any information concerning a wire, oral or electronic communication or evidence lawfully derived therefrom, may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any criminal proceeding held under the authority of this state or of the United States.

(g) Any information relating to criminal activities other than those activities for which an order to intercept communications may be granted pursuant to §62-1D-8 of this code may be disclosed only if such relates to the commission of a felony under the laws of this state or of the United States, and such information may be offered, if otherwise admissible, as evidence in any such criminal proceeding.”

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

**Com. Sub. for S. B. 323**, Establishing revenue fund and source to support Department of Agriculture’s improvement to facilities; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2109**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations; 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. 2609**, Relating to presumptions of abandonment and indication of ownership in property; on second

reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2647**, Self Storage Limited License Act; 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. 2720**, Authorizing certain investigators and first responders to carry firearms; 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. 2761**, Modernizing the self-service storage lien law; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

**H. B. 2878**, Relating to updating the controlled substances listed on schedule one; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegates Pushkin and Fluharty, was reported by the Clerk, on page six, section two hundred four, by striking out line one hundred thirty in its entirety.

On page six, section two hundred four, by striking out lines one hundred forty-two through line one hundred fifty.

And,

On page nineteen, line four hundred seventy-three, following the period, by inserting the following:

**“§60A-2-210. Schedule IV.**

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence

of such isomers, esters, ethers and salts is possible within the specific chemical designation.

(b) *Narcotic drugs.* — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

(c) *Depressants.*

Alprazolam;

Barbital;

Bromazepam;

Camazepam;

Carisoprodol;

Chloral betaine;

Chloral hydrate;

Chlordiazepoxide;

Clobazam;

Clonazepam;

Clorazepate;

Clotiazepam;

Cloxazolam;



Delorazepam;

Diazepam;

Dichloralphenazone;

Estazolam;

Ethchlorvynol;

Ethinamate;

Ethyl loflazepate;

Fludiazepam;

Flunitrazepam;

Flurazepam;

Fospropofol;

Halazepam;

Haloxazolam;

Ketazolam;

Loprazolam;

Lorazepam;

Lormetazepam;

Mebutamate;

Medazepam;

Meprobamate;

Methohexital;

Methylphenobarbital (mephobarbital);

Midazolam;  
Nimetazepam;  
Nitrazepam;  
Nordiazepam;  
Oxazepam;  
Oxazolam;  
Paraldehyde;  
Petrichloral;  
Phenobarbital;  
Pinazepam;  
Prazepam;  
Quazepam;  
Temazepam;  
Tetrazepam;  
Triazolam;  
Zaleplon;  
Zolpidem;  
Zopiclone.

Suvorexant ([[(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl] [5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl]methanone).

(d) Any material, compound, mixture or preparation which contains any quantity of Fenfluramine and Dexfenfluramine.

(e) Stimulants.

Cathine ((+)-norpseudoephedrine);

Diethylpropion;

Fencamfamin;

Fenproporex;

Mazindol;

Mefenorex;

Modafinil;

Pemoline (including organometallic complexes and chelates thereof);

Phentermine;

Pipradrol;

Sibutramine;

SPA ((-)-1-dimethylamino-1,2-diphenylethane);

Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl [(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid);

(f) *Other substances.* —

Pentazocine;

Butorphanol.

Tramadol (2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol);

Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitrites are controlled substances and no product containing these compounds as a significant component shall be possessed, bought or sold other than pursuant to a bona fide prescription or for industrial or manufacturing purposes.

(g) Hallucinogenic substances-

(1) Marihuana; and

(2) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)”

Whereupon,

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

On page six, section two hundred four, by striking out line one hundred thirty in its entirety.

On page six, section two hundred four, by striking out lines one hundred forty-two through line one hundred fifty.

And,

On page nineteen, line four hundred seventy-three, following the period, by inserting the following:

**“§60A-2-210. Schedule IV.**

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Unless specifically

excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation.

(b) *Narcotic drugs*. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

(c) *Depressants*.

Alprazolam;

Barbital;

Bromazepam;

Camazepam;

Carisoprodol;

Chloral betaine;

Chloral hydrate;

Chlordiazepoxide;

Clobazam;

Clonazepam;

Clorazepate;

Clotiazepam;  
Cloxazolam;  
Delorazepam;  
Diazepam;  
Dichloralphenazone;  
Estazolam;  
Ethchlorvynol;  
Ethinamate;  
Ethyl loflazepate;  
Fludiazepam;  
Flunitrazepam;  
Flurazepam;  
Fospropofol;  
Halazepam;  
Haloxazolam;  
Ketazolam;  
Loprazolam;  
Lorazepam;  
Lormetazepam;  
Mebutamate;  
Medazepam;  
Meprobamate;

Methohexital;

Methylphenobarbital (mephobarbital);

Midazolam;

Nimetazepam;

Nitrazepam;

Nordiazepam;

Oxazepam;

Oxazolam;

Paraldehyde;

Petrichloral;

Phenobarbital;

Pinazepam;

Prazepam;

Quazepam;

Temazepam;

Tetrazepam;

Triazolam;

Zaleplon;

Zolpidem;

Zopiclone.

Suvorexant ([[(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl] [5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl]methanone).

(d) Any material, compound, mixture or preparation which contains any quantity of Fenfluramine and Dexfenfluramine.

(e) Stimulants.

Cathine ((+)-norpseudoephedrine);

Diethylpropion;

Fencamfamin;

Fenproporex;

Mazindol;

Mefenorex;

Modafinil;

Pemoline (including organometallic complexes and chelates thereof);

Phentermine;

Pipradrol;

Sibutramine;

SPA ((-)-1-dimethylamino-1,2-diphenylethane);

Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl [(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid);

(f) *Other substances.* —

Pentazocine;

Butorphanol.

Tramadol (2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol);



Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitrites are controlled substances and no product containing these compounds as a significant component shall be possessed, bought or sold other than pursuant to a bona fide prescription or for industrial or manufacturing purposes.

(g) Hallucinogenic substances-

(1) Marijuana; and

(2) Tetrahydrocannabinols; synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, immediate derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

delta-1 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 Cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3,4 Cis or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)”

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

The yeas and nays having been ordered, they were taken (**Roll No. 128**), and there were—yeas 42, nays 57, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Higginbotham, Hornbuckle, Lavender-Bowe, Linville, Longstreth, Lovejoy, McGeehan, Miley, Pushkin, Pyles, Robinson,

Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Steele, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kump.

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

The bill was then ordered to engrossment and third reading.

#### First Reading

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

**Com. Sub. for H. B. 2173**, Allowing state and federal law-enforcement officers to testify as to the contents and evidence of a wiretap or electronic surveillance,

**Com. Sub. for H. B. 2338**, Allowing the owner of an antique military vehicle to display alternate registration insignia,

**Com. Sub. for H. B. 2359**, Relating to exemptions to the commercial driver's license requirements,

**Com. Sub. for H. B. 2673**, Creating the Oil and Gas Abandoned Well Plugging Fund,

**H. B. 2692**, Relating to primary elections and procedures,

**H. B. 2709**, Relating to hunting licenses,

**Com. Sub. for H. B. 2715**, Relating to Class Q special hunting permit for disabled persons,

**H. B. 2739**, Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board,

**H. B. 2743**, Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment,

**Com. Sub. for H. B. 2793**, Expanding applicability of educational facilities for the West Virginia College Prepaid Tuition and Savings Program,

**H. B. 2819**, Relating generally to contractors,

**Com. Sub. for H. B. 2821**, Updating provisions for command, clerical and other pay,

**Com. Sub. for H. B. 2848**, Relating to the West Virginia ABLE Act,

And,

**H. B. 2992**, Relating to governmental websites.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Kump.

### **Miscellaneous Business**

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

- Delegates Pushkin and Fleischauer regarding the amendment offered to H. B. 2878

- Delegate Fluharty during Remarks by Members

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

- Delegates Nelson and Westfall for H. B. 2770

- Delegate Maynard for H. B. 2875

- Delegate Nelson for H. B. 2969

- Delegate Pyles for H. B. 2898, H. B. 2902, H. B. 2906, H. B. 2955, H. B. 2971, H. B. 2978, H. B. 2979, H. B. 2988, H.

B. 2994, H. B. 2999, H. B. 3006, H. B. 3038, H. B. 3048, H. B. 3068, H. B. 3072, H. B. 3077, H. B. 3078, H. B. 3079, H. B. 3080, H. B. 3081, H. B. 3098, H. B. 3099, H. B. 3107, H. B. 3109, H. B. 3113 and H. B. 3125

- Delegate Lavender-Bowe for H. B. 3108

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

- Delegate Paynter for H. B. 2597

At 12:10 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 13, 2019.











































