

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



VOLUME I
REGULAR SESSION, 2020

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
STATE CAPITOL
CHARLESTON, WEST VIRGINIA

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MEMBERS OF THE HOUSE

REGULAR SESSION, 2020

OFFICERS

Speaker: Roger Hanshaw - Wallback

Clerk: Stephen J. Harrison - Cross Lanes

Sergeant-at-Arms: Marshall Clay - Fayetteville

Doorkeeper: Robert Stewart - Cross Lanes

Name	District	City	Occupation	Term
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
Barnhart, Trenton (R)	7th	St. Marys	Community Banker	Appt. Sept. 17, 2019, 84th
Barrett, Jason (D)	61st	Martinsburg	Restaurant owner	81st; 83rd - 84th
Bartlett, T. Kevan (R)	39th	Sissonville	Minister	Appt. Oct. 21, 2019, 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
Criss, Vernon (R)	10th	Parkersburg	Executive	69th; 83rd - 84th
Dean, Mark (R)	21st	Verner	Principal	83rd - 84th
Diserio, 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	Public Affairs Manager	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
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
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	Culloden	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
Linville, Daniel (R)	16th	Milton	Information Technology Director	Appt. Aug. 1, 2018, 83rd; 84th
Little, Chuck (R)	9th	Davisville	Investigator	Appt. May 20, 2019, 84th
Longstreth, Linda (D)	50th	Fairmont	Administrator	77th - 84th
Lovejoy, Chad (D)	17th	Huntington	Attorney	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 Sheriff's 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
Sponagle, 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, Teri 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
¹ Wilson, S. Marshall (I)	60th	Gerrardstown	Author/Army Officer	83rd - 84th
Worell, Evan (R)	18th	Barboursville	Healthcare Data Analytics	84th
Zukoff, Lisa (D)	4th	Moundsville	Business Owner	84th

¹Delegate S. Marshall Wilson switched from Republican to Independent on December 17, 2019.

MEMBERS OF THE SENATE

REGULAR SESSION, 2020

OFFICERS

President: Mitch Carmichael - Ripley

Clerk: Bruce Lee Cassis, Jr. - Charleston

Sergeant-at-Arms: Joseph Allen Freedman - Charleston

Doorkeeper: Jeffrey L. Branham - Cross Lanes

<u>Name</u>	<u>District</u>	<u>City</u>	<u>Occupation</u>	<u>Term</u>
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
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
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
Pitsenbarger, John R. (R)	11th	Mt. Nebo	Farm Owner/Operator	Appt. Oct. 17, 2019, 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		78th - 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

HOUSE OF DELEGATES COMMITTEES

COMMITTEES OF THE HOUSE OF DELEGATES

Regular Session, 2020

(As of January 8, 2020)

STANDING

AGRICULTURE AND NATURAL RESOURCES

Cooper (*Chair, Agriculture*), Atkinson (*Chair, Natural Resources*), Cadle (*Vice Chair, Agriculture*), Sypolt (*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, Little, Paynter, Phillips, 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*), Barnhart, Capito, Espinosa, Graves, Hott, Householder, D. Jeffries, P. Martin, Porterfield, Shott, Waxman, Barrett, Bates, Hartman, Robinson, Rowe and Sponaugle.

EDUCATION

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

ENERGY

Anderson (*Chair*), J. Kelly (*Vice Chair*), Evans (*Minority Chair*), Pethel (*Minority Vice Chair*), Azinger, Cadle, Graves, Higginbotham, Hott,

HOUSE OF DELEGATES COMMITTEES

J. Jeffries, Kessinger, P. Martin, Maynard, Nelson, Porterfield, Westfall, 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, Pack, Rowan, Storch, 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, Summers, Sypolt, Worrell, Lovejoy and Miller.

GOVERNMENT ORGANIZATION

Howell (*Chair*), C. Martin (*Vice Chair*), Pyles (*Minority Chair*), Diserio (*Minority Vice Chair*), Azinger, Barnhart, Cadle, Hamrick, Hott, D. Jeffries, J. Jeffries, Kump, Little, Porterfield, Sypolt, Wilson, Worrell, Angelucci, Caputo, Hansen, Hicks, Staggers, Swartzmiller, Tomblin and Walker.

HEALTH AND HUMAN RESOURCES

Hill (*Chair*), Pack (*Vice Chair*), Pushkin (*Minority Chair*), Staggers (*Minority Vice Chair*), Atkinson, Barnhart, Butler, Criss, Dean, D. Jeffries, Jennings, Queen, Rohrbach, Rowan, Summers, Wilson, Worrell, Angelucci, Bates, Estep-Burton, Fleischauer, Lavender-Bowe, Robinson, C. Thompson and Walker.

HOUSE OF DELEGATES COMMITTEES

INDUSTRY AND LABOR

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

INTERSTATE COOPERATION

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

JUDICIARY

Shott (*Chair*), Capito (*Vice Chair*), Fleischauer (*Minority Chair*), Fluharty (*Minority Vice Chair*), Bibby, Fast, Foster, D. Kelly, Kessinger, Kump, Mandt, Nelson, Phillips, Queen, Steele, Waxman, Westfall, N. Brown, S. Brown, Byrd, Canestraro, Lovejoy, Miller, Pushkin and Robinson.

PENSIONS AND RETIREMENT

Graves (*Chair*), Nelson (*Vice Chair*), Pethtel (*Minority Chair*), Evans (*Minority Vice Chair*), Anderson, McGeehan 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.

PREVENTION AND TREATMENT OF SUBSTANCE ABUSE

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

HOUSE OF DELEGATES COMMITTEES

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, Hill, 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*), Bartlett, Graves, Hanna, J. Kelly, Kessinger, Linville, 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

Queen (*Chair*), Mandt (*Vice Chair*), Skaff (*Minority Chair*), Lavender-Bowe (*Minority Vice Chair*), Atkinson, Cowles, Hardy, Higginbotham, Hill, Linville, 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, Fast, Hamrick, Hardy, Howell, Kump, Maynard, Rohrbach, Shott, Storch, Angelucci, Boggs, Diserio, Evans, Hansen, Staggers, Walker and Zukoff.

HOUSE OF DELEGATES COMMITTEES

VETERANS' AFFAIRS AND HOMELAND SECURITY

Bibby (*Chair, Veterans' Affairs*), Jennings (*Chair, Homeland Security*), Butler (*Vice Chair, Veterans' Affairs*), Steele (*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*), Bartlett, Cooper, Higginbotham, D. Kelly, J. Kelly, Little, Rowan, Sypolt, Toney, Wilson, Worrell, Angelucci, Campbell, Fleischauer, Pethtel, Pushkin and Staggers.

SENATE COMMITTEES

COMMITTEES OF THE SENATE

Regular Session, 2020

(As of January 8, 2020)

STANDING

AGRICULTURE AND RURAL DEVELOPMENT

Sypolt (*Chair*), Mann (*Vice Chair*), Cline, Clements, 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, Rucker, Weld, Palumbo, Plymale, and Prezioso.

ECONOMIC DEVELOPMENT

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

EDUCATION

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

GOVERNMENT ORGANIZATION

Maynard (*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*), Hamilton, Pitsenbarger, Hardesty, Ihlenfeld, and Unger.

JUDICIARY

Trump (*Chair*), Weld (*Vice Chair*), Azinger, Clements, Cline, Maynard, Pitsenbarger, 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

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

PENSIONS

Azinger (*Chair*), Hamilton (*Vice Chair*), Pitsenbarger, 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, Mann, Pitsenbarger, Roberts, Beach, Jeffries, and Plymale.

WORKFORCE

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

SELECT

SELECT COMMITTEE ON CHILDREN AND FAMILIES

Takubo (*Chair*), Weld (*Vice Chair*), Cline, Pitsenbarger, Roberts, Rucker, Hardesty, Prezioso, and Stollings.

**SCHEDULE SHOWING LEGISLATIVE DAYS
AND CALENDAR DAYS
AND PAGES OF JOURNAL COVERING SAME
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31st Day.....	Friday.....	February 7.....	699
34th Day.....	Monday.....	February 10.....	729
35th Day.....	Tuesday.....	February 11.....	759
36th Day.....	Wednesday.....	February 12.....	845
37th Day.....	Thursday.....	February 13.....	887
38th Day.....	Friday.....	February 14.....	933
41st Day.....	Monday.....	February 17.....	979
42nd Day.....	Tuesday.....	February 18.....	1047
43rd Day.....	Wednesday.....	February 19.....	1113
44th Day.....	Thursday.....	February 20.....	1201
45th Day.....	Friday.....	February 21.....	1255
48th Day.....	Monday.....	February 24.....	1357
49th Day.....	Tuesday.....	February 25.....	1383
50th Day.....	Wednesday.....	February 26.....	1491
51st Day.....	Thursday.....	February 27.....	1543
52nd Day.....	Friday.....	February 28.....	1615
53rd Day.....	Saturday.....	February 29.....	1667
55th Day.....	Monday.....	March 2.....	1731
56th Day.....	Tuesday.....	March 3.....	1781
57th Day.....	Wednesday.....	March 4.....	1855

58th Day	Thursday	March 5.....	2255
59th Day	Friday	March 6.....	2579
60th Day	Saturday	March 7.....	2751



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fourth Legislature
Second Regular Session

Charleston, Wednesday, January 8, 2020

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

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 of the House of Delegates met in their Chamber in the Capitol Building in the City of Charleston, at 12:00 noon and were called to order for the Second Regular Session of the Eighty-Fourth Legislature by the Speaker, the Honorable Roger Hanshaw.

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

Delegate Summers arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 1**), and 96 Delegates having answered to their names, the Speaker declared the presence of a quorum. The absent being as follows:

Absent: Espinosa, Fleischauer, Hornbuckle and Skaff.

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 for the Second Regular Session of the 84th Legislature, as provided by Section 18, Article VI of the Constitution of the State, with a quorum present, and was ready to proceed to the business of the session.

Whereupon,

The Speaker appointed as members of such committee the following:

Delegates Nelson, P. Martin and Campbell.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to join with a similar committee of the Senate to inform His Excellency, the Governor, that the Legislature had assembled in Regular Session as provided by Section 18, Article VI of the Constitution of the State, with a quorum of each house present, was ready to enter into the business of the session and to convey to him that it would be pleased to receive any communication he may desire to present.

Whereupon,

The Speaker appointed as members of such committee the following:

Delegates Jennings, Phillips and Byrd.

Resolutions Introduced

The following House Joint Resolutions from the First Regular Session of the 84th Legislature were reintroduced and referred to the various standing committees pursuant to House Rule 92a:

House Joint Resolutions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 20, 22, 24, 25, 26, 27, 28 and 29.

Delegates Cooper 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. 2 - “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.

Delegate 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. 3 - “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, 2020; 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 motions for leave, Joint Resolutions were introduced, read by their titles and referred as follows:

By Delegates Cowles, Foster, Criss, Porterfield, Waxman, Espinosa, Hamrick and Householder:

H. J. R. 101 – “Proposing an amendment to the Constitution of the State of West Virginia amending sections three, six, and eight, article VIII, thereof, relating to the Judiciary; providing rulemaking oversight of the West Virginia Supreme Court of Appeals, circuit courts, and of rules governing the censure, temporary suspension, removal and retirement of justices, judges and magistrates; 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 Espinosa, Bibby, Criss, Waxman, Porterfield, Cowles, Hamrick, Foster, Householder and Ellington:

H. J. R. 102 - “Proposing an amendment to the Constitution of the State of West Virginia amending section two, article XII thereof, relating to providing for rulemaking oversight of the West Virginia Board of Education; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

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

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 Jennings, Phillips and Byrd.

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

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

H. R. 1 – “Authorizing the appointment of employees for this, the Second Regular Session of the Eighty-fourth Legislature, Two Thousand Twenty.”

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:

Ten Legislative Assistants at \$65.00 - \$105.00

Four Committee Clerks at \$80.00 - \$115.00

Two Committee Assistant Clerks at \$80.00 - \$90.00

Three Analysts at \$100.00 - \$200.00

Eight Attorneys at \$200.00 - \$405.00

One Doorkeeper at \$155.00

Five Assistant Doorkeepers at \$85.00

One Sergeant-at-Arms at \$155.00

One Assistant Sergeant-at Arms at \$85

One Head Page at \$100.00

One Assistant Page at \$100.00

One Clerk Assistant at \$165.00

One Messenger at \$115.00

One Policy Analyst to the Committee on Education at \$250.00

One Paralegal to the Finance Committee at \$115.00

Three Receptionists at \$90.00 - \$115.00

One Copy Clerk at \$85

(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-three thousand five hundred and thirty dollars per year;

One Assistant Clerk/Parliamentarian at sixty-seven thousand five hundred and fifty-nine dollars per year;

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

One Journal Clerk forty-seven thousand five hundred and thirty-four dollars per year;

One Documents Clerk at forty-seven thousand five hundred and thirty-four dollars per year;

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

One Purchasing Agent at forty-seven thousand five hundred and thirty-four dollars per year;

One Communications Director to the House at sixty-eight thousand and thirty dollars per year;

One Chief of Staff at sixty-seven thousand three hundred and seventy dollars per year;

One Counsel to the Speaker at one hundred and nineteen thousand five hundred and twenty-nine dollars per year;

One Assistant to the Speaker at eighty-four thousand five hundred and thirty dollars per year;

One Director of Supplies at forty-seven thousand and thirty dollars per year;

One Maintenance Staff at forty-one thousand four hundred and forty-three dollars per year;

One Maintenance Staff at twenty-nine thousand six hundred and thirty-eight dollars per year;

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

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

One Counsel to the Committee on the Judiciary at ninety-two thousand three hundred and seventy dollars per year;

One Legislative Analyst to the Committee on the Judiciary at fifty-four thousand three hundred and seventy dollars per year;

One Administrative Assistant to the Committee on the Judiciary at forty-three thousand three hundred and seventy dollars per year;

One Chief Counsel to the Committee on Education at eighty-five thousand five hundred and thirty dollars per year;

One Legislative Assistant to the Committee on Education at forty-six thousand one hundred and ninety-three dollars per year;

One Chief Counsel to the Committee on Finance at one hundred and seven thousand four hundred and thirty dollars per year;

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

One Research Analyst to the Committee on Finance at fifty-two thousand three hundred and seventy dollars per year;

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

One Budget Analyst to the Finance Committee at forty-two thousand three hundred and seventy dollars per year;

One Chief Counsel to the Committee on Government Organization at eighty thousand five hundred and thirty dollars per year;

One Administrative Assistant to the Committee on Government Organization at forty-one thousand and twenty-six dollars per year;

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

One Chief Counsel to the Committee on Health and Human Resources at eighty-seven thousand three hundred and seventy dollars per year;

One Administrative Assistant to the Committee on Health and Human Resources at forty-one thousand six hundred and thirty dollars per year;

One Analyst to the Committee on Health and Human Resources at thirty-eight thousand three hundred and seventy dollars per year;

One Analyst to the Subject Matter Committees at forty-three thousand five hundred and thirty dollars per year;

One Chief Counsel to the Subject Matter Committees at ninety thousand dollars per year;

One Chief Counsel to the Energy Committee at eighty-three thousand three hundred and seventy dollars per year;

One Clerk to the Energy Committee at forty-three thousand nine hundred and fifty dollars per year;

One Policy Analyst to the Minority Leader at fifty thousand five hundred and forty-two 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 superseded 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. 1) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

H. R. 2 – “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 2020 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 of Delegates is also authorized to publish not to exceed 150 copies of the Journal of the House of Delegates for the second regular session of the 84th 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 a copy 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.

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.

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. 2) to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

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

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

Resolved by the House of Delegates:

That House Rule 65 be amended to read as follows:

“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.

~~XVI~~ XV. Miscellaneous business.”

And that the Rules of the House of Delegates be amended by adding thereto a new rule, designated Rule 65b, as follows:

“Remarks by Members

65b. On each day the House meets in actual session prior to the forty-seventh day of the session, the Speaker shall announce a time when the chamber of the House shall be available for remarks by members of the House. The House shall convene at such time to receive such remarks, and the Speaker or a designee of the Speaker shall preside. No quorum is necessary to proceed with the receipt of remarks by members of the House, and nothing herein shall prohibit committees from meeting when the House convenes solely for the purpose of remarks by members. Any member desiring to speak shall seek recognition, and upon recognition by the Presiding Officer, may speak for up to five minutes upon any topic of interest to the House. The Presiding Officer shall preserve order and decorum while the House is in session for the duration of remarks. During this designated time for receipt of remarks by members, no motion shall be in order save for a motion to adjourn remarks by

members. Remarks made during the pendency of remarks by members may be entered into the appendix to the journal as provided for herein. The time allotted for remarks by members shall expire:

(A) After all member desiring to speak have exhausted their allotted time; or

(B) After six hours; or

(C) At the close of the legislative day, whichever occurs first.”

The Speaker referred the resolution to the Committee on Rules.

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

The following House Bills from the First Regular Session of the 84th Legislature were reintroduced and referred to the various standing committees pursuant to House Rule 92a:

House Bills 2002, 2007, 2008, 2012, 2013, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037, 2039, 2040, 2041, 2043, 2044, 2045, 2046, 2047, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2062, 2063, 2064, 2065, 2066, 2068, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2080, 2085, 2086, 2087, 2088, 2091, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2117, 2118, 2119, 2120, 2122, 2123, 2124, 2125, 2126, 2127, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2147, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159,

2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169,
2170, 2171, 2176, 2177, 2180, 2185, 2186, 2187, 2188, 2192,
2194, 2195, 2197, 2198, 2199, 2201, 2202, 2203, 2207, 2208,
2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2221, 2222,
2224, 2227, 2228, 2303, 2306, 2308, 2309, 2310, 2312, 2314,
2315, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2325, 2327,
2328, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338,
2339, 2340, 2341, 2344, 2345, 2347, 2348, 2350, 2353, 2367,
2368, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2380,
2381, 2382, 2383, 2386, 2387, 2392, 2393, 2394, 2395, 2397,
2401, 2402, 2403, 2404, 2406, 2417, 2418, 2419, 2425, 2426,
2427, 2428, 2429, 2430, 2431, 2432, 2433, 2438, 2442, 2443,
2444, 2445, 2447, 2448, 2453, 2454, 2455, 2456, 2457, 2458,
2460, 2461, 2463, 2464, 2465, 2468, 2471, 2473, 2477, 2478,
2487, 2488, 2489, 2491, 2494, 2495, 2496, 2497, 2502, 2505,
2508, 2512, 2517, 2519, 2520, 2526, 2527, 2528, 2529, 2535,
2537, 2542, 2543, 2544, 2548, 2549, 2551, 2552, 2553, 2555,
2556, 2561, 2562, 2563, 2565, 2568, 2569, 2570, 2571, 2573,
2574, 2575, 2576, 2577, 2578, 2580, 2581, 2582, 2586, 2588,
2590, 2593, 2595, 2596, 2599, 2602, 2604, 2605, 2606, 2610,
2611, 2613, 2615, 2616, 2620, 2623, 2625, 2627, 2628, 2629,
2630, 2631, 2632, 2633, 2634, 2636, 2640, 2641, 2642, 2643,
2644, 2645, 2646, 2649, 2650, 2652, 2653, 2656, 2659, 2660,
2663, 2664, 2669, 2672, 2678, 2679, 2681, 2682, 2683, 2684,
2685, 2689, 2696, 2705, 2710, 2711, 2712, 2713, 2719, 2722,
2723, 2724, 2725, 2729, 2732, 2733, 2735, 2741, 2742, 2747,
2748, 2749, 2752, 2753, 2754, 2756, 2757, 2758, 2762, 2763,
2764, 2765, 2766, 2769, 2774, 2775, 2776, 2778, 2784, 2785,
2794, 2796, 2797, 2802, 2808, 2810, 2812, 2814, 2817, 2818,
2820, 2822, 2824, 2832, 2835, 2836, 2840, 2842, 2847, 2851,
2852, 2858, 2859, 2860, 2862, 2863, 2869, 2870, 2871, 2873,
2876, 2877, 2881, 2883, 2887, 2888, 2892, 2893, 2896, 2897,
2898, 2899, 2902, 2903, 2904, 2911, 2915, 2916, 2919, 2920,
2922, 2923, 2924, 2927, 2928, 2930, 2932, 2935, 2938, 2939,
2941, 2942, 2944, 2948, 2950, 2957, 2959, 2961, 2963, 2967,
2972, 2973, 2974, 2978, 2981, 2983, 2985, 2987, 2988, 2989,
2990, 2996, 2997, 2999, 3004, 3006, 3008, 3009, 3010, 3011,
3013, 3015, 3019, 3023, 3026, 3028, 3029, 3030, 3032, 3033,
3034, 3035, 3036, 3038, 3039, 3040, 3041, 3042, 3043, 3046,
3048, 3049, 3051, 3052, 3053, 3055, 3056, 3058, 3060, 3062,

3063, 3064, 3066, 3069, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3080, 3081, 3082, 3089, 3092, 3094, 3097, 3098, 3099, 3114, 3117, 3118, 3119, 3120, 3124, 3125, 3127, 3128, 3129, 3130, 3133, 3134, 3136, 3137, 3138 and 3149.

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

By Delegates Hanshaw (Mr. Speaker), Mandt, Atkinson, Toney, Pack, Linville and Espinosa:

H. B. 4001 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6E-1, §12-6E-2, §12-6E-3, §12-6E-4, §12-6E-5, §12-6E-6, §12-6E-7, §12-6E-8, §12-6E-9, §12-6E-10, and §12-6E-11, all relating to creating West Virginia Impact Fund, Investment Committee and Mountaineer Impact Office to invest funds in certain projects with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia, generally; providing definitions; creating West Virginia Impact Fund; providing for the transfer of funds to Investment Committee and the purposes for the expenditure of the funds; creating Investment Committee and providing for its membership, appointments; terms; removals; vacancies and quorums; providing for powers and duties of Investment Committee; requiring disclosures of interest, standard of care, and nonliability for debts or obligations; creating Mountaineer Impact Office and providing for powers, duties, staffing, management and processes for proposing and administering investments in projects approved by Investment Committee; providing for audits and reports; providing for review and professional advice relating to investments from the West Virginia Investment Management Board; providing for immunities and exemptions; prohibiting political activities; and providing for confidentiality of information”; to the Committee on Finance.

By Delegates Mandt, Waxman, Hanna, D. Kelly, Householder and Sypolt:

H. B. 4002 - “A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to creating a felony crime of negligently with reckless disregard of the safety of

others delivering a controlled substance or a counterfeit controlled substance for an illicit purpose and the use thereof causes death”; to the Committee on the Judiciary.

By Delegates Maynard, Toney, Linville, Porterfield, Householder, Sypolt and Westfall:

H. B. 4003 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to telehealth insurance requirements; defining terms; requiring insurance coverage of certain telehealth services; providing an effective date; and providing limitation of applicability”; to the Committee on Health and Human Resources.

By Delegates D. Kelly, Waxman, Hanna and Mandt:

H. B. 4004 - “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 use 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 Delegates Linville, Hanshaw (Mr. Speaker), Barnhart, Mandt, Porterfield, Waxman, Howell, Graves, Espinosa and Householder:

H. B. 4005 - “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 Delegates Kump, Higginbotham, Mandt, Waxman, Espinosa and Householder:

H. B. 4006 - “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 limiting civil liability for employers hiring an employee or independent contractor who has been convicted of a nonviolent, nonsexual offense; prohibiting a civil action against a general contractor, premises owner, or other third party solely for hiring an employee or independent contractor who has been convicted of a nonviolent, nonsexual offense; prohibiting the introduction of evidence of an employee or independent contractor’s prior criminal record in a negligent hiring civil action; clarifying that this section does not preclude a cause of action for adequate supervision of an employee; providing an exception for admission of evidence that the employee or independent contractor has been convicted of a nonviolent, nonsexual criminal offense where the employer knew of the conviction or was grossly negligent in not knowing of the conviction, the conviction was directly related to the nature of the employee’s or independent contractor’s work, and the conduct that gave rise to the alleged injury that is the basis of the suit; establishing that protections provided to an employer, general contractor, premises owner, or third party under certain conditions do not apply in a suit concerning discharging a fiduciary responsibility in the management of funds or property; establishing that protections provided to an employer, general contractor, premises owner, or third party under certain conditions do not apply in a suit concerning misappropriation of funds or a violent offense; and providing there is no implication of liability in situations not covered by this article’; to the Committee on the Judiciary.

By Delegates Rowan, D. Jeffries, Pack, Maynard, Porterfield, Foster, Waxman, Bibby, Hanna, Barnhart and Kump:

H. B. 4007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to providing reasonable medical care to a child born alive during an abortion”; to the Committee on Health and Human Resources.

By Delegates Foster, Kump, Summers, Higginbotham, Toney, Waxman, D. Kelly, Fast, Espinosa, Maynard and Householder:

H. B. 4008 - “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”; to the Committee on the Judiciary.

By Delegates Westfall, Higginbotham, Mandt, Atkinson, Toney, Pack, Linville and Espinosa:

H. B. 4009 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized staff physician, after examination, to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; defining terms; providing for payment for services; limiting liability; and requiring the West Virginia Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, designated county magistrates, and circuit judges”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Mandt, Little, Higginbotham and Cowles:

H. B. 4010 - “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 of said code, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration; and granting emergency rule-making authority”; to the Committee on Government Organization.

By Delegates Ellington, Hanna, Hamrick, Higginbotham and Espinosa:

H. B. 4022 - “A Bill to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended, clarifying the qualifications of the Chancellor of the Higher Education Policy Commission, retitling the Vice Chancellor for Health Sciences, and abolishing the statutory position of Vice Chancellor for State Colleges”; to the Committee on Education.

By Delegate Howell:

H. B. 4023 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-2a, relating to allowing county commissions to require the registration of cats; and removing head tax on dogs when registration of cats is required”; to the Committee on Political Subdivisions then Finance.

By Delegate D. Jeffries:

H. B. 4024 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person 21 years of age or older possess a valid permit to possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school”; to the Committee on the Judiciary.

By Delegates Steele and Paynter:

H. B. 4025 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-15-1, §6-15-2, and §6-15-3, all relating to requiring the State Auditor to establish a website centralizing access to all postings of legal advertisements required by law”; to the Committee on the Judiciary.

By Delegate D. Jeffries:

H. B. 4026 - “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 certain statutory Public Service Commission provisions; and exempting motor vehicles operated under a contract with the West Virginia Department of Environmental Protection exclusively for cleanup and transportation of waste tires and solid waste generated from state authorized waste tire remediation or cleanup projects from those statutory Public Service Commission provisions”; to the Committee on Government Organization.

By Delegate Steele:

H. B. 4027 - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to providing that a municipal services user fee may not be imposed on employees of the state because of their employment status”; to the Committee on Political Subdivisions then Finance.

By Delegate J. Kelly:

H. B. 4028 - “A Bill to amend and reenact §16-5B-2 of the Code of West Virginia, 1931, as amended, relating to licensure of hospitals”; to the Committee on the Judiciary.

By Delegate Porterfield:

H. B. 4029 - “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 Class VI hunting permit to safely accommodate visually impaired hunters; setting forth Class VI permit requirements; requiring that a Class VI permittee and his or her assistant must also hold the underlying hunting licenses or otherwise be exempt; and authorizing rulemaking”; to the Committee on Agriculture and Natural Resources.

By Delegates J. Jeffries, Wilson, Maynard, Waxman, Summers, Kessinger, Graves and D. Jeffries:

H. B. 4030 - “A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit of an honorably discharged veteran of the United States Armed Forces or National Guard to 40 years of age for an

application for original appointment”; to the Committee on Fire Departments and Emergency Medical Services.

By Delegate Steele:

H. B. 4031 - “A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing the salaries of the Secretary of State, Auditor, Treasurer, and Attorney General to \$125,000”; to the Committee on Finance.

By Delegates J. Jeffries, Bibby, Waxman, J. Kelly, Cadle and Fast:

H. B. 4032 - “A Bill to amend and reenact §29-3E-8 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Marshal to create a procedure that allows a fireworks retailer to combine and pay all applicable fees in a single payment”; to the Committee on Finance.

By Delegates Howell, Bibby, J. Jeffries, Waxman, J. Kelly, Cadle and Fast:

H. B. 4033 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-25, §11-21-26, and §11-21-27 all relating to creating three refundable tax credits for volunteer fire fighters, emergency medical responders, emergency medical services practitioners, and ambulance drivers for qualifying service, training expenses and mileage expenses”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Pack and Cooper:

H. B. 4034 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to prohibiting outdoor amphitheatres from holding outdoor concerts later than 11:00 p.m. if the amphitheater is located within 500 feet of a residential dwelling”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Howell, Bibby, J. Jeffries, Fast, Waxman, J. Kelly and Cadle:

H. B. 4035 - “A Bill to amend and reenact §47-10-6a of the Code of West Virginia, 1931, as amended, relating to posting of the alcoholic content of gasoline; requiring a warning label when

the ethanol content exceeds 10 percent; requiring Commissioner of Labor to create and distribute warning and enforce posting requirement; and providing criminal penalty for failure to post labels”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Porterfield:

H. B. 4036 - “A Bill to amend and reenact §18-2-7c, of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to develop curriculum content for a semester-long financial literacy course; requiring all county boards of education implement the financial literacy course in all high schools in the particular county; and require all students to satisfactorily complete a course in financial literacy as a graduation requirement”; to the Committee on Education.

By Delegate Porterfield:

H. B. 4037 - “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, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, and §16-2P-11; to amend and reenact §16-5-22 of said code; to amend and reenact §30-3-14 of said code; and to amend and reenact §30-14-11 of said code, all relating to examination procedures to detect fetal heartbeat prior to an abortion; declaring legislative findings; defining terms; requiring an examination to detect fetal heartbeat prior to performing an abortion; requiring documentation of procedure and results; requiring proposal of legislative rule; prohibiting performance of abortion without conducting heartbeat examination; prohibiting performance of abortion to terminate life of unborn human individual when heartbeat has been detected; providing certain exceptions; requiring documentation when abortion is performed; maintaining legal availability of contraceptive drugs and devices; mandating certain actions if provisions of this act are suspended, or invalidated, or if state action is authorized through judicial proceedings; declaring severability of provisions; providing criminal penalties; requiring certain reports to be filed with State Registrar for Vital Statistics; and establishing grounds for disciplinary action against medical

doctors and doctors of osteopathy who violate provisions of this act”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Graves, D. Jeffries, Hanna, Phillips, C. Martin, Waxman, Householder and Cadle:

H. B. 4038 - “A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, all relating to prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Howell, Bibby, J. Jeffries, Waxman, J. Kelly and Cadle:

H. B. 4039 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to providing limitations on nuisance actions against fire department and emergency medical services fixed sirens under certain circumstances”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate Foster:

H. B. 4040 - “A Bill to amend and reenact §29-3D-2 of the Code of West Virginia, 1931, as amended, relating to reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter from 10,000 to 3,000”; to the Committee on Government Organization.

By Delegate Steele:

H. B. 4041 - “A Bill to amend and reenact §48-13-201 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-13-403a, all relating to allowing as a deduction to determine adjusted gross income for either parent student loan payments and mortgage payments not to exceed 25 percent of gross income”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Howell, Bibby, J. Jeffries, Waxman, J. Kelly and Cadle:

H. B. 4042 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules establishing their purchasing procedures”; to the Committee on Government Organization.

By Delegate Steele:

H. B. 4043 - “A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to preventing state, county and municipal agencies from covering any portions of Public Employee Insurance Act premiums for an employee’s spouse”; to the Committee on Banking and Insurance then Finance.

By Delegate Steele:

H. B. 4044 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-9, relating to prohibiting payroll deductions to electioneering organizations”; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 4045 - “A Bill to amend and reenact §61-11-18 and §61-11-19 of the Code of West Virginia, 1931, as amended, all relating to provisions of the ‘Habitual Offender’ statute; and modifying provisions addressing eligibility of certain crimes for consideration, expiration of sentence prior to being considered, ineligibility for good time calculation, and eligibility for dual treatment under section allowing enhanced sentencing for second or subsequent offenses”; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 4046 - “A Bill to amend and reenact §48-8-101 of the Code of West Virginia, 1931, as amended; and to repeal §48-8-102, §48-8-103, §48-8-104, §48-8-105, and §48-8-106 of said code, all relating to abolishing spousal support”; to the Committee on the Judiciary.

By Delegates Howell, Bibby, J. Jeffries, Fast, Waxman, J. Kelly and Cadle:

H. B. 4047 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8A-11-3, relating to prohibiting zoning ordinances from disallowing automotive collecting activities under certain circumstances”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Howell, Bibby, J. Jeffries, Waxman and Cadle:

H. B. 4048 - “A Bill to amend §30-27-8 of the Code of West Virginia, 1931, as amended, relating to barber certification; eliminating history of barbering course from certification requirements”; to the Committee on Government Organization.

By Delegates Howell, Bibby, J. Jeffries, Waxman, Cadle and Fast:

H. B. 4049 - “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 Technology and Infrastructure then Government Organization.

By Delegates Howell, Bibby, J. Jeffries, Waxman, Cadle and Fast:

H. B. 4050 - “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; providing definitions; 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 how the maximum number of Division of Motor Vehicle Now kiosks are to be determined; and requiring implementation by July 1, 2022”; to the Committee on Government Organization.

By Delegates Howell, Bibby, J. Jeffries, Fast, Waxman, J. Kelly and Cadle:

H. B. 4051 - “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 Technology and Infrastructure then Finance.

By Delegate Kump:

H. B. 4052 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, §33-15F-7, and §33-15F-8, all relating to creating the Persistent Symptoms Act; making findings; setting forth the rights of health insurance providers and patients; establishing the access to approved and indicated or investigational drugs, biological products and devices for patients who suffer from persistent symptoms; limiting causes of action; setting forth the effect on health care coverage; and defining terms”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Steele:

H. B. 4053 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to granting tax credits for parents and legal guardians whose children are in a home schooling program or private school; and providing rule-making authority”; to the Committee on Finance.

By Delegate Pyles:

H. B. 4054 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to the use of vapor products; requiring posting of a warning notice relating to the hazards of vapor products at all businesses where vapor products are sold; providing requirements for signage; requiring the Bureau for Public Health to make notices available; providing criminal penalties for failure to post the notice; and authorizing the Bureau for Public Health to update the signage”; to the Committee on Small Business, Entrepreneurship and Economic Development then Health and Human Resources.

By Delegate Kump:

H. B. 4055 - “A Bill to amend and reenact §60-3-9d of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3A-21 of said code, all relating to allowing Class IV municipalities to receive proceeds from taxes on the purchase of liquor from retail licensees and on the purchase of intoxicating liquor from state stores or other agencies of the Alcohol Beverage Control Commissioner that are outside of but within one mile of the corporate limits of the Class IV municipalities”; to the Committee on Political Subdivisions then Finance.

By Delegate Kump:

H. B. 4056 - “A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local and state special elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections”; to the Committee on the Judiciary.

By Delegate Steele:

H. B. 4057 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to creating a cause of action for injuries suffered in a gun-free zone; legislative findings; definitions; damages recoverable; exception; and no crime created”; to the Committee on the Judiciary.

By Delegates Hill, Pack and Fleischauer:

H. B. 4058 - “A Bill to amend and reenact §33-51-8 and §33-51-10 of the Code of West Virginia, 1931, as amended, all relating

to pharmacy benefit managers; civil penalties; rules required”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hill, Pack, Bates and Fleischauer:

H. B. 4059 - “A Bill to repeal §16-2B-3 and 16-2B-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2B-1 of said code, all relating to increasing access to long acting reversible contraception”; to the Committee on Health and Human Resources.

By Delegate Pack:

H. B. 4060 - “A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to removing the registration fee for a vehicle operating on a combination of electricity and petrochemical fuels”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Hill, Pack, Bates and Fleischauer:

H. B. 4061 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, §33-53-10, §33-53-11, §33-53-12 and §33-53-13, all relating to health plan benefit networks; and creating the Health Benefit Plan Network Access and Adequacy Act”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pack, Hill, Bates and Fleischauer:

H. B. 4062 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring certain compensation received from a pharmaceutical manufacturer, developer or labeler to be used for benefit of covered persons”; to the Committee on Health and Human Resources.

By Delegate Steele:

H. B. 4063 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations”; to the Committee on Health and Human Resources.

By Delegates Hill, Pack, Bates, D. Jeffries, Jennings and Fleischauer:

H. B. 4064 - “A Bill to amend and reenact §6B-3-1, §6B-3-3b, §6B-3-7, and §6B-3-9 of the Code of West Virginia, 1931, as amended, all relating to lobbyist; requiring notification of potential conflict of interests; and providing penalties”; to the Committee on the Judiciary.

By Delegates Cooper, Pack and R. Thompson:

H. B. 4065 - “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; and permitting a processing fee”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Rowe:

H. B. 4066 - “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, vapor products, and smokable hemp to 21”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pack, Steele, Cooper, Hill and Bates:

H. B. 4067 - “A Bill to amend and reenact §61-3-24 of the Code of West Virginia, 1931, as amended, relating to crimes against property; specifying that theft of rental equipment services is theft of services”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 4068 - “A Bill to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to incrementally increasing the state minimum wage over a five-year period to \$15 per hour in 2025”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Howell, D. Kelly, Sypolt, Miller, Pack, Atkinson, Hill, Butler, Boggs, Rowan and Summers:

H. B. 4069 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, and §18-33-8, all relating to creating the West Virginia Student Religious Liberties Act”; to the Committee on Education.

By Delegates Little and Householder:

H. B. 4070 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections, designated §20-1B-1, §20-1B-2, §20-1B-3, §20-1B-4, §20-1B-5, and §20-1B-6, compensating counties for state-owned lands through payments in lieu of taxes; describing purpose; defining terms; establishing formula for payment; setting forth procedure for payment; and establishing date payments be made to eligible counties”; to the Committee on Political Subdivisions then Finance.

By Delegate Little:

H. B. 4071 - “A Bill to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-6b of said code, all relating to the authority of county commissions to establish enhanced emergency telephone systems and change the fee charged to consumers from the telephone service to the electric service, and 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 Veterans’ Affairs and Homeland Security then Finance.

At 12:19 p.m., on motion of Delegate Summers, the House of Delegates recessed until 6:50 p.m.

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Evening Session

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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, Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

JOINT ASSEMBLY

The Speaker respectfully recognized the Sergeant-at-Arms for the following announcements:

The Sergeant-at-Arms announced Congressional Medal of Honor recipient Hershel “Woody” Williams.

The Sergeant-at-Arms then announced members of the Board of Public Works, who took the seats reserved for them.

The Sergeant-at-Arms next announced Chief Justice Armstead and the Justices of the Supreme Court, who entered the Hall of the House of Delegates and took the seats reserved for them.

The Sergeant-at-Arms then announced the Honorable Mitch Carmichael, President, and the members of the Senate, who entered the Hall of the House of Delegates.

The Speaker invited the President to a seat to his right and the other members took 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 Jennings 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 Joint Assembly as follows:

Address by the Governor

GOVERNOR JUSTICE: Okay, now if y'all don't want to be here all night, sit down.

They got me wired every way you can wire somebody up, which is good.

You know, the first thing I would tell you, it's a great, great evening in the State of West Virginia. And I bless you in every way, and I thank you in every way for being here.

You know, today is a great day, a great day in our state. You know, before we go any further I would like to recognize my family.

You know, I haven't seen, Jay, you and Catherine since you got here.

But my beautiful wife Cathy, daughter Jill, and her husband Adam, daughter-in-law Catherine, and our son Jay. (APPLAUSE)

Without going long, you know, I would surely introduce my cabinet. And I'm just going to say "my cabinet" without going through everybody.

And now I'd like to move on to our constitutional officers. You know, these people that are sitting over to my left have done something that is unbelievable, in my opinion. They have restored honor and integrity to our court when the storm was pretty rough.

And so if I can introduce our Chief Justice Tim Armstead, Justice Margaret Workman, Justice Elizabeth

Walker, Justice Evan Jenkins, and Justice John Hutchison. I have had the opportunity — which is so unbelievably rare it's off the chart — I had the opportunity to appoint three of these judges. They're good people. They've done lots and lots and lots of great stuff for our state, as has our other two justices.

And so at the end of the day I salute you. I can never thank you enough. I mean, really and truly, we were in a storm and you're pulling us out of it very proudly. Thank you so much. (APPLAUSE)

Now, because I don't know the seating chart here, our Attorney General is somewhere, Patrick Morrissey. And before I'd have him stand, I'd just like to just say this. You know, our citizens of this state deserve good stuff. One of the things they surely deserve is affordable health care coverage. Which is why today I'm asking the legislature to advance initiative that he has championed, and that is to ensure that the people with preexisting conditions in this state, even though you may have loved Obamacare, or maybe you didn't, surely all of us can agree on one thing, and that is just this. West Virginians should be protected against preexisting conditions.

So please do that. And if Patrick Morrissey can stand, wherever Patrick is — over here. (APPLAUSE)

Our Secretary of State Mac Warner is here. And Mac has made a mission to insure the integrity of West Virginia's elections and to protect them from cybersecurity threats. Matt is a champion at that, and we know that.

So if our Secretary of State Mac Warner could stand, please. (APPLAUSE)

Our auditor J. B. McCuskey. J. B. has made one thing for sure, and that is us to be transparent — transparent with all the State's finances. We don't need to hide anything. And J. B. secures the fact that we won't do that. So give him a big round of applause. (APPLAUSE)

Commissioner Kent Leonhardt. We have so many potential opportunities within agriculture in this state, and we know it. And he's after it. One thing that Kent is, is he

is stuck on “on” all the time. And every time I see him, he is just striving to do more and more and more. Bring opportunities to our farmers within the state to where we can consume more of their products within our state.

So please give a big round of applause to Kent Leonhardt. (APPLAUSE)

And our Treasurer John Perdue. John is a friend. He’s been a friend a long time. John is the guy that looks after our money. It is hard to believe the magnitude of the money. \$13 billion. It’s unbelievable. He’s done the job forever. He’s done a great job. I’m very proud to call him a friend. John? (APPLAUSE)

Now, I’m looking real hard, and I can’t find Craig Blair. But I really wouldn’t have been a bit surprised to have seen him here. I mean, he is a tough nut, that’s for sure. You know, just like all of us that are exposed all the time to different things. He had a bad, bad traffic accident. He could have no longer been with us. He’s a tough guy. And I’m really proud to call him my friend.

And Craig, if you’re watching and everything, just know that everybody here just can’t wait until you get back and they’re waiting on you. Craig Blair. (APPLAUSE)

All of those that are either really smart or maybe they just got a little tired or maybe the circumstances or whatever it may be, all of those that have decided not to run for reelection, if you would please stand. I surely would like us all to give you your due and give you a round of thanks and a round of applause for all of the effort that you’ve made for nothing other than your love for this state. Please stand, all of those. (APPLAUSE)

Well, before I get into all the nitty-gritty, I want to just tell you just a little quick story that’s more about me. You know, it’s easy to figure Jim out. I’m not a politician. I really don’t want anything.

Now, I know this is probably not going to be real popular with some, but really it is so easy. It is so easy to just watch me. You know, I do stand like a rock with our President in regard to things that he stands for, like legal — and I say legal — immigration. I absolutely believe that

sanctuary cities do not have a place here in West Virginia, and I hope and pray they never come. I can tell you that without any question whatsoever, I stand with the unborn, I'm a sportsman, I love the outdoors. The second amendment is ingrained in me forevermore. There is no question about it, whether you love me or don't love me. It's just simple fact.

The other thing I would tell you is just this. We had a thing happen within Corrections. And in all honesty, what happened was not good. We had — We have had lots and lots and lots of great things going on within Corrections, and we've got a lot of really good people. But I will promise you to God above: On my watch, there is no place for hate and there is no place for antisemitism on my watch — (APPLAUSE)

So let me show you this. And you're going to say, oh, my gosh, Justice is doing it again. Do you remember this? I don't know where it is.....

Hold on now. I hope it won't slide. And do you remember this?

Let me tell you, the reason I brought these is just this. I gave an inaugural address a long time ago. At that inaugural address, prior to that on Memorial Day, I was at a cemetery for my grandparents in Jessie, West Virginia. A little hillside nothing. And we went to the gravesite, Cathy and I, and we were leaving. For those of you that have forgotten, there was a lady standing at the bridge. There is guardrail there. She had leaning up against that guardrail several fishing rods, some Carhartt coveralls, some reflector tape Carhartt coveralls. She had absolutely this tackle box and this axe. The little daughter standing beside her didn't know where to turn.

I stopped. I gave her a hundred dollars for that axe and a hundred dollars for this tackle box, and I put them in my car. Everywhere I've gone, even down here tonight, they rode right with me.

Now, I'm telling you, that lady looked at me and she said, "Mister, you'll never know how much I appreciate this, but you have no idea how bad I'm hurting."

Now, let me just say this. When I walked in the door things were — and if I could just drop this, so don't jump — pretty tough, and I'm not patting myself on the back in any way. We've gone through lots and lots of stuff. And I want to say without any question whatsoever, nobody — nobody does anything alone. You have been great. Sure we've argued from time to time, but you have been great, and you should be very, very proud of what you have accomplished in all honesty. The biggest thing that I cling to is maybe, just maybe, I was maybe the catalyst that brought hope. And that, to me, means everything.

So, before we go any further, let's remember that lady, remember her little daughter, and just remember how good and how strong we are today. You deserve so much credit. I could never thank you enough. And I would say as profoundly as I know how to say, ladies and gentlemen, the state of our State is strong. And it's growing stronger every single day. (APPLAUSE)

Now, imagine. Personal income last year in 2019 grew 3 billion — that's with a B — \$3 billion in this state. Unbelievable. Revenue growth went up \$511 million. It's off the chart. Off the chart. The biggest revenue growth surely by far. But in addition to all of that, enough revenue growth that it was one and a half times the previous ten years put together. Unbelievable.

Now, think about it. Since we've walked in the door we've been able to put \$113 million in the Rainy Day Fund. We've put \$100 million in PEIA. It's unbelievable. We're going the way we ought to go.

Now, I've got to show you just this. When I walked in the door, I said I was going to take you on a rocket ship ride — like that. And we've been on this rocket ship ride. Now, I want you to be really smart. The one thing that I am is a business guy. And I'm going to tell you nothing that remains on straight up or straight down is healthy.

So at the end of the day now, what I want you to do is change, and I want you to come on this lightning bolt ride with us. Because that's where we will go. We are underfilling and we're building in what should be built in.

So that's why tonight you're going to see that the budget that I propose to you is very, very conservative. Very conservative. Because nothing goes just like this. That 511 million, where we are today, where we are today with our budget? We're okay. We're not knocking it out of the park in one way, but if you feel — if you look at it and you say we're comparing apples to what we did last year — and last year was an all-time record beyond belief — then we are knocking it out of the park.

We still have got a lot of people to help. We're still lots and lots and lots of stuff to do. So, I would say to you, let's take off with the people that may very well be hurting the most.

Our Medicaid fund has grown way beyond belief. We're on a pace to have an excess in the Medicaid fund of \$309 million by year-end. If we don't watch out, we'll spend it. We'll come up with any way and every way to spend and spend and spend because that's what all of us do.

What I'm proposing tonight is something that is maybe not never done before, but is surely seldom done. I am proposing tonight that I want to announce legislation to establish the Medicaid Families First Reserve Fund. And I want to lock away \$150 million to insure that always those that are the most vulnerable — and I have a hard time with that word, my secretary Executive Assistant Pam would tell you that — but I want to lock away those dollars to be sure that we will always have vital services for those that are the most exposed and need the most help.

If I could turn the table real quickly to jobs. Jobs in this state are good. There's no question that they're moving in the right direction and they're good. Here's something that I want everyone, just as I did last year, to know. The business inventory and machinery tax is holding us back in some areas. We need to try — we need to try to find a solution to where we can either get on a glide path or quickly get on a better glide path to eliminate that tax if we can. (APPLAUSE)

We have to be careful. There's counties to consider, the school boards, there's people that we absolutely want

to protect. We've got to be careful. We've got to be careful with where we are with our general overall finances. We have to be careful and we got to be smart. But I don't want there to be anyone to doubt that I would like it gone. I would like it gone. At least gone in time.

Now, we have 20,000 new jobs today in the State of West Virginia. One of the reasons we have those jobs is a guy sitting behind me that's working that every day, and that is President Carmichael, that came up with the idea, you know, to let our kids go to college for free. It's working. It's one of the ideas that's just working. Today we have an all-time high employment. All-time. It just gets better and better and better.

Now, Brother Mitch, we've got to have those kids, and you know we've got to have them. We've got to get them trained, and we've got to get them prepared for the workforce. We need more and more and more of them.

The reason — If I were to say to you this — let's just be fair and be real. What if I were to say to you — and this is nowhere in my notes. This is nowhere at all. And normally I wouldn't have any notes unless I was sweating and going to take a long time.

But here's the thing. What if I were to say to you in the State of West Virginia your severance tax dollars are going to be the lowest, the lowest that they've been in the last 25 years. And then I would say to you: How do you think you're doing? Think about it. Think about it. From the standpoint of the general revenue, the percentage of general revenue, we are the lowest in comparison to one another we've been in 25 years. Nowhere on these notes. I just know it. And yet our state is doing better and better and better.

Tell you why. I'll tell you exactly why. We've diversified. We're on the move. We've changed our image. There is all kinds of things happening within the State of West Virginia. Now, do we want to do any and everything we can possibly do to create another coal job? Absolutely. Do we want to do anything and everything we can do to promote more and more gas and everything? Absolutely we do.

With the constraints — and remember, I said early on, I'm a sportsman. I love the outdoors more than good sense. The last thing on earth I would ever want to do is harm the water, harm the environment. We've got to be absolutely aware of that all the time.

Now, if, in fact, we have the best unemployment in a decade, there is a big reason for that. And a lot of that reason is up here. And I'm not going to call names right yet, but I just want you to just listen. Northrop Grumman is adding an initially 500 jobs. Proctor & Gamble is doing all kinds of great stuff. The Great Barrel Company is up and going in White Sulphur Springs, West Virginia. Toyota has done great stuff. Hino is doing great stuff. Mark West is doing unbelievable stuff. Pietro Fiorentini. How about that? Did I get that? Pretty close. Infor, and Chemours, and Cornerstone, and Ramaco. Unbelievable what you're doing.

If I could just touch just one second on one of them, Ramaco. Think about this just for a second. All of us think, well, we can't burn anymore coal because the world is rebelling in every way, shape, form and fashion against that. Ramaco would tell you that coal — now get this — that coal is too expensive to burn. You're wasting an opportunity when you burn it. I thought they were crazy when I was talking about that.

But nevertheless what they're saying is they can make carbon fiber out of coal that is — let me get this straight — is four times as light as steel and twice as strong. They absolutely have a way to do things with coal that can be an alternative use for coal that it would be so perfect for us it is unbelievable.

WVU right now — I am announcing tonight and I'm sure that everyone probably already knows — but they're going to develop and open a research facility at WVU to research just this. And not only that, Ramaco is looking at the possibility of bringing one of these plants to southern West Virginia. Imagine that we make — (APPLAUSE) imagine this just for a second. Imagine, well, we understand you can do something extra with coal, but how much would you use?

Do you realize that in the State of West Virginia today we're probably on a run rate of West Virginia today of about 82, 85 million tons? Probably a third of that is metallurgical tons. So say we've got 50 million steam coal tons. Do you know how many tons are in America? 700 million. Do you know how many they can use in this process? 125 million tons. It's unbelievable. It's unbelievable.

If in fact it's real, it's unbelievable what the researchers are doing. And they're doing it. They're making it. They're absolutely doing it right now in Wyoming, and they're making it.

So now I'd like with HINO Motors, Steve Stalnaker to stand;

Mark West, Owen Osleen from Pietro Fiorentini, Max Ambrosi;

Infor, Rhoda Stewart;

Chemours, Ed Sparks and Greg Zoglio — how about that? I got that one.

And with Ramaco, Randy Atkins.

And they are everywhere up here. And give them a monstrous round of applause, please. (APPLAUSE)

Okay. Now, if I can switch channels just a little bit and say just this. I believe airports are our heart. They're our heart. There is lots of things that make us really good, but the airports are everything to us.

I've got to brag just a second on an airport that's phenomenal what they're doing. We've put real dollars in Yeager, and they're doing great stuff. We've put real dollars in all kinds of different airports across our state and they're doing great stuff. But there is no place like North Central West Virginia Airport at Bridgeport. It is unbelievable the opportunities and what they're doing.

You know, they brought a presentation in to me and I immediately said: Go. They took that presentation and hit the ground running in building a new terminal, building

another 50 acres onto it. Now get this. They've got 1200 employees from 22 of our counties up there right now, and they are going to grow and grow and grow and grow. They can't make a place fast enough that they don't have a tenant waiting to go. It's amazing.

Pratt and Whitney just announced a \$30 million expansion. They're going to build a new engine — I don't know what in the world it does, but it's a new, modern, a futuristic engine that is phenomenal. You know, Bombardier and Mitsubishi and Aurora, they're all just cooking. It's good stuff. It's great stuff.

So if we could now recognize Martin D'Eramo, I believe. David Hinkle, as the county commissioner in Harrison County, and Andy Lang is the mayor of Bridgeport. And, please, they're doing it. Give them a giant round of applause. (APPLAUSE)

I've got to pass the kudos back behind me again to a fellow Roger Hanshaw. Roger Hanshaw's team has come up with a concept called Mountain Impact. It's a Mountain Impact Fund. It's basically just this. It is — You have a fund that becomes the bank that you can loan money and inspire people to invest within the State of West Virginia and you can give all kinds of great return on their money that they invest, and you can bring money to our state like you can't imagine. It is an ingenious idea, and I absolutely will fully support it.

And, Roger, I thank you for it.

Now, y'all can clap. That's a big thing, guys. (APPLAUSE)

I've been with our President many times. I'm looking for more and more and more and more jobs. At the end of the day, that's what you elected me for. That's what we're doing. I've been with our President on these occasions that we want to try to attract any federal agency that wants to get out of that craziness in DC and wants to find a good place to come to that has four unbelievable seasons, and absolutely has good people, and is within a rock's throw of DC, and has all the greatness that we have. It's right here waiting on them.

You see, this is true. We have changed ourselves from the state that was backward and having a tough time. Dinky and dark. We've changed ourselves to become the diamond in the rough. The diamond that they thought they missed. And really now they're trying to find us.

Now, let me tell you one more thing. There's a company from Wales. We talked about them before. They're an illumination company. They have a lighting concept that is unbelievable. The amount of energy it uses is almost nothing, and the amount of light that it kicks off? Off the chart. I have worked diligently on this, and I will not stop until we secure that commitment. They're looking at all kinds of different locations all over the country. But I am confident as I can be that we'll be making an announcement within 30 days that you will absolutely love. They're the real deal. And I hope and pray that they're coming.

Now, if I could switch channels one more time and say: Well, what about the roads? Well, the best thing I can tell you about the roads is I was getting my hair cut the other day, and this lady — her name is Cannette Kaufmann. She said — she turned to me and she said — I can't recall if she said it was a brother or a good friend, but Cannette said, "You know, I'm telling you, my brother — or this good friend — is a guy that loves to be way out in the boondocks." And he said to her, he said, "I'm telling you, I don't know how anybody in this state couldn't be happy today, because they're even driving the roads that I drive on."

Now, if that be the case — And so let me say this. And these guys are coming in the door —

Y'all hold on just a second. Just one second.

Two hundred eighty pieces of new equipment we have now. 27,000 miles of maintenance they've done. In 18 months, 500 projects and 1100 miles done. We just went through the second round of bonding and we have — we have, believe it or not, another \$146.5 million that we can just do anything we want with. And we're going to pour more and more and more money into our roads.

Now, what I want you to do, because we've got five guys right up there that bust their chop every day. They stand in the road. And it's dangerous. And they work hard every day. And we have the deputy secretary and the secretary right with them. Jimmy Wriston and Byrd White.

And I want us all to put one of these jackets on and then stand up and applaud them, and it will be something we'll remember forever. And then when you leave, I want the jacket back. (APPLAUSE)

Well, you got to help me — well, help me (donning jacket).

All right. Now, I want y'all to know this. That these people got me one that fits. And I also want you to know they're a bunch of smart alecks because it's got 7X on the back of it.

Nevertheless, guys, thank you. God bless you for all you do. Keep doing it. (APPLAUSE)

You know, at the end of the day, whether we're Democrats, Independents, Republicans, or whatever we may be, we all drive on the roads, don't we? And we all appreciate our roads because they give us the pathways to go where we want to go.

So, again, guys, thank you. Thank you from all of us in every way, shape, form or fashion.

I would like to announce one thing. In our second bond go-round, the first letting we're doing right now, and it's just happened, and it is the Inwood bypass. It's from I-81 to Route 51 — (APPLAUSE)

You guys must like that.

And it came in to bid at 27-point — 22.7 million, which was \$3 million under estimate. So that's good too. Really good. (APPLAUSE)

Now, there is a couple of things, Brother White, that we're — that I am ordering you and Brother Jimmy to do, and that's just this. There is going to be a Trump infrastructure program. It's going to happen. There still

may be some hacking up and things like that, but it's going to happen. And when it happens, \$2 trillion is a lot of money, guys, and we really need to get our fair share. And we will this go-round.

So Byrd and Jimmy, I am ordering you to be ready to start work now. Start work right now to where you'll be ready, you'll have dollars for matching, and you'll have so many different things that will give us the opportunity to instantaneously finish Corridor H, instantaneously finish the Coalfield Expressway, and on and on and on. (APPLAUSE)

Now, we've gone through a little quagmire and everything on the MARC Train. We needed to get it done. We needed to have the MARC Train. You know what we did have happen? And Craig, you know, you're not here with us, but you played a big role in it. We had the counties. We had Craig. We had others that are right here. We had many different sources. We had J. B. McCuskey step up to the plate like nobody's business. And then it fell right in my lap from contingency dollars. And I did it. Because it's important. It's really important to that neck of the woods that we absolutely need to do any and everything we always can.

Let me switch channels again to the National Guard. The National Guard and the Challenge Academy stuff that they're doing is off chart. Now, they've graduated 4,663 kids. If you haven't ever been, you need to go. It is amazing. It is truly absolutely amazing. Now, we found enough money — and I would like for two people to stand. And I'll get to our General later on — but if David Turner and Sara Thomas could stand, these two are two of our graduates — two of our new graduates. So give them a phenomenal round of applause. (APPLAUSE)

We have also now in working with the Guard and in working with our budget in every way, we've now found the dollars — without increasing our budget we've now found the dollars to be able to start the Mountaineer Challenge Academy at Montgomery at West Virginia Tech. (APPLAUSE)

Good. Good stuff.

Now, if we could talk about drugs. The very thing that in my opinion if we don't watch out could cannibalize this state. But we're making progress. We're moving in a direction now, and we've still got a long ways to go, no question about that. There is great stuff that's going on in Huntington. There's great stuff that's going on at Marshall. There's great stuff that's going on in all the different areas of our state.

One of the things — I brought a thing like this last year called Jim's Dream. We put it up right here, and you were kind enough to fund it and everything, and lo and behold, it's off and going. Just think about this. We launched it in October. We've had 1200 referrals. There is all kinds of stuff that is happening. And it's working.

If you have never been, you should go. You're going to see people that are excited about getting their life back. You're going to see people that are on the track of really doing really great stuff. It's working. You know, it's like a great football team. When you run a play that works, I was always a believer: Keep running the play until the other side took it away from you. It's working.

I was at Camp Dawson not long ago for a graduation. There was six kids there, five guys and one girl. The one female was, you know, a relatively young girl. One of the guys was an older guy. You know, what they had just gotten trained on and just gone through a course on? They had gotten trained to run a grader. Now, one of the guys had been offered a job like two days before that. Another guy had just received his second offer for a job. And those guys and ladies, you know, you can read it all over their face.

There is nothing better — there's nothing better than touching a life and helping somebody turn it around. It's good stuff. Really, really good stuff. One of those is here with us, William Phillips. And his transition agent — and those transition agents are so vital it is off the chart. And wherever they are, if they would stand, you've got a guy on his way, and you've touched a life like you can't imagine. And before I think he got out of the room, he got his second job offer.

And we congratulate you in every way. (APPLAUSE)

And Shannon, I hope I said Shannon Carnes, but I can't see very well. So I'm doing the best I can do.

Like I said before, we're making progress. And I'm going to ask you for something. And I'm going to probably say something that some of you are going to say, I wish you wouldn't say it like that. But I don't know any other way to say it. You know, we have too many drugs that are just slipping in here. And people are taking advantage of our kids, and they're taking advantage of our weaknesses. And they come from any and everywhere. And we try. We try to catch them. They usually come through communities that don't have a whole lot of population, because they know you're soft and you can't catch them. You can't do anything to it.

So tonight I am ordering Secretary Jeff Sandy to form a new unit called a Narcotics Intelligence Unit. A new unit at the Fusion Center. It will be a strike force. I'm going to ask you for \$1.9 million. And I'm going to ask you to give us that to stop this terrible effort. And I'm going to ask you in this way. I will promise you — promise you — that if you are kind enough to give us that opportunity, and I want to say this as sincerely and as forcefully as a human being could ever say it, I want to look right in the camera and tell anybody, anybody, that is trying to come into our state with drugs: We are going to bust your ass. That's all there is to it. (APPLAUSE)

So I'd say y'all are with me on that, huh?

The IDD waivers. Can you imagine this? Can you imagine those that are having a life that is so difficult, and the caregivers, a life that is so difficult it is unbelievable. There's a 1,060 of them that have been on the wait list for a long time. Some of them four years. Six hundred of them are children. We have now found enough money. Tonight I'm so proud to announce that Secretary Crouch and Secretary Hardy have found a solution, and my budget will contain the funding to eliminate the wait list. (APPLAUSE)

Child welfare is right behind it —

Bless you. Bless you.

— child welfare is right with it. You know, when you think about a kid, and I have the opportunity when I'm coaching a basketball team to be with a bunch of kids, but I see all kinds of little rascals and everything.

Our little grandson the other day said — or Jill said to him, said, "JC, you've been eating the dog food again, haven't you?" He's two years old. And he said, "Nope." And she said, "Now, JC, at our house we tell the truth all the time. Now, you've been eating dog food, haven't you? And he always says "okay" for "yes." And he said, "Okay."

And then she said, "Well what did it taste like, JC?" And he said, "Cake".

Now, there is nothing that is as precious as a kid. There is no way.

We put a bunch of money and a bunch of people to work last year in child welfare. We don't have enough. We don't have enough. We've got a real problem. And we've got to own up to it and step up to the plate and do something about it.

So we're going to, within my budget again, you know, we're going to try to improve child welfare in the State of West Virginia until it is the very best in the country. We're going to hire another 87 people that are going to be out in the field as child welfare people to be able to assist and help us in every way. (APPLAUSE)

Let me say something about communities and schools. A lot of you don't have one clue about communities and schools. I'm going to tell you that Cathy didn't know much and neither did I. Cathy needed some cause or whatever you want to call it to get really behind it and everything. In Greenbrier County, they had a phenomenal success story with communities and schools, but it wasn't linked to the state in any way. Cathy got educated. And then she got behind it. And now it is doing stuff.

And I would say — and I'm going to tell you this. This is how I believe our family should be. We should be honest

with one another. We should be loving, but we should be honest. And sometimes honesty is not what the other would like to hear. But I'm going to tell you just this. Of every single program that I've been involved in or I've seen, there is nothing working like this. It's unbelievable. Un-flat-believable.

Today they're in 71 different schools and it is touching 28,000 kids. And you know what the teachers, do you know what absolutely the parents, do you know what the kids, do you know what they are saying? The very most disruptive kid in the classroom is now the model. Because maybe he just needed a toothbrush. Maybe he just needed somebody to just stand and help him. Maybe he needed enough food.

Absolutely it's working beyond belief. And I hope to goodness that every last one of you will get out and see how this program is really kicking it out of the park. It's really, really happening.

Now, we've got to recognize, and I'm very proud to, Kathy Brunty, and she is with us somewhere. And Deidra Crouse is also here. And let me talk a second. Kathy is a teacher at Westside High School in Wyoming County. She had 25 of these kids — 25 kids that were struggling. Not 25 naturally just picked out brainiacs, twenty-five of these kids were struggling, 25 out of 25 graduated. It's amazing. (APPLAUSE)

Deidra is one of those. And you know what she's on her way to do? To become a nurse. It's amazing. (APPLAUSE)

Good job.

I want to do a little more. We've got too many people out in all across the different regions of our state that are hungry. I want absolutely to commit a million dollars — a million dollars to create more food pantries, or be able to buy more food for people that are really out there and really hurting. (APPLAUSE)

In addition to that, I want to take \$2 million, 2 million additional dollars and go to the Department of Education and put that into their Backpack Program — and I am not

terribly familiar with every one of these, but their Backpack Program will insure just this. And, gosh, I see it. I see it. Can you just imagine? Can you imagine going home on Friday and know you're going to be hungry? It's tough stuff, guys. It's really tough stuff. If we can't find \$2 million to help our kids and help the hungry, then we're not much of us. That's all there is to it.

So anyway, in my budget there is \$2 million going to that. (APPLAUSE)

We all know tourism in the state is really moving. We all know it's doing great stuff. Before I got here, we had four consecutive years of traveler spend declines. Boom, boom-boom, boom-boom. The lightning bolt going the wrong way.

Chelsea Ruby, wherever she is, is doing an incredible job. And get this number. Get this. Our growth — our growth surpassed the national average of growth by 58 percent. Unbelievable. Unbelievable.

Chelsea, where are you? (APPLAUSE)

I don't know where she is, but wherever she is, clap for her. (APPLAUSE)

The DNR is doing exciting stuff too. The DNR has been able since 2017 to acquire 78,000 acres of land. Twenty-four wildlife management areas have been established. The total from 2001 to 2016 was 30,000. 78,000 last year — or since 2017. They stocked 2.7 million trout since 2017. Now surely to goodness y'all can catch a few of them. I mean, for crying out loud.

Now, hunting and fishing licenses are up by 50 percent. Presales doubled. Our elk herd is doing great. We spent \$60 million in park upgrades. And you know where all of this is tying right back in is tourism, tourism, tourism, tourism, tourism. It's amazing.

So Steve McDaniel, thank you. And I am going to keep moving.

Our petrochemical industry has so many incredible potentials. Austin Caperton is heading up a task force, a

downstream task force. It's unbelievable. If you'll just be patient. It is unbelievable what is going to happen to manufacturing in this state. And it's all going to flow — not all, but a lot of it is going to flow through the petrochemical side.

We want our oil and gas people to thrive. We want, like I said before, to try any and every way we possibly can to continue to manufacture one additional coal job. One additional gas job. It's happening. It's happening. It's tough. It's dog fight tough. The coal market — the thermal market was at \$78 a ton and now it's 35. There is no way. We just can't hardly compete. And it's really tough. The metallurgical market was at \$210 a ton; today it's 85. It's tough. But we got to keep trying to find solutions and ways to absolutely insure that our coal miners are going to have their jobs.

Now, one thing now that we've been able to work and compromise on from the gas side that I am absolutely supportive of is that — is our low pressure wells, and I believe with all in me that this is a real opportunity for a real by partisan effort. I believe there is support across the aisle on both sides. And I believe that this is what we need to get behind in an effort to try to plug the old wells and to give people a break in these low pressure wells.

There is something called Virgin Hyperloop. One of my little buddies in my tunnel is out of his mind about Virgin Hyperloop. And so am I. A lot of you wouldn't have any idea what in the world Virgin Hyperloop could possibly be. I didn't know either. But we went to Morgantown, and WVU is reaching out, and we're reaching out in every way, shape, form or fashion, and it's a possibility. It is an absolute possibility.

What it does is just this. There is a tube that is built over land and it is revamping the entire transportation system in any way that we may know it. And you get in a pod in that tube, and you can go in excess of 600 miles an hour where you're going. You can't even feel the ripple of it at all.

I do believe that we are in on the finalists to have that research center at WVU. We have the terrain. We have the

willingness from all of our people. I took every secretary head that we had there. We met with them. We went round and round and round with them. I talked to the president since then. And it's possible. It is so phenomenal, it's off the chart. I will do anything and everything I can.

And Jay — and Jay is the president. And Jay, if you hear me, know that you've got a governor here that's a big guy, that is absolutely willing to do anything that I possibly can within my power to try to get you here. Because it would be unbelievable.

Now, there is two people from WVU. There is a dean of the West Virginia College of Business and Economics, and there is a lady, Sarah Biller, and she is the executive director of WVU's Vantage Ventures. And the dean is Javier Reyes, I believe — now, I'm probably mispronouncing them. But please stand, and let's give them a great big round of applause. They have done unbelievable work on this project. (APPLAUSE)

I know those chairs are getting hard, but I'm almost done.

I want to talk a second about education. I'm a real believer in this. And the first time you ever saw me, this is exactly what I said. I said we ought to make education our centerpiece. We have in a lot of ways. We've made a real commitment to education. And we've done lots and lots and lots of stuff. And I'm not going to go through all the blow-by-blow of what we've done, but absolutely we have changed the way the outside world thinks about us and thinks about education. We've got lots more to do. We've got lots and lots and lots more to do.

And to make it better and better and better as we go forward, I hope we can do more and more and more and more. We want to make it better. We want to reward our people better. We want to make it better for our kids. We want to make the scores better. We want every part of it to be better.

So tonight, we have our Teacher of the Year. And, whew, am I going to have a time with this one. Jennifer Schwertfeger. How about that? Jennifer, where are you? Right there. (APPLAUSE)

Jennifer has transformed — now get this — transformed the way that science is being taught to our kids, and she is transforming the way we think it ought to be taught. She's done an incredible job. And her sponsor is Toyota and Highmark Blue Cross Blue Shield, and Horace Mann, are with us — and the West Virginia Lottery are somewhere. And you've got to give them a big round of applause too. (APPLAUSE)

Now, I'm with the State Police every day. I drive myself, because they don't drive very well.

And they scare me tee-totally to death. And I'm just teasing. They're really good. And it's amazing how dedicated they are and all the great stuff they've done.

You know, you go back to when things were really tough. You didn't have a class — a cadet class for four years. And we're about to enter March of 2020 and send our third class into action. Good stuff. (APPLAUSE)

They do work like you can't imagine. Absolutely. They protect us. And we should respect and love them every single solitary day.

You know, I'd like to talk just a second about our elderly, and in some ways I guess I'm talking about me. You know, but again, I thank you and congratulate you for what you did in removing or in the tiering of removing the income tax on the state income tax on our Social Security. It was a great move. It's a great move for our elderly.

You know, last year we committed a million dollars to the Bureau of Senior Services. It's not enough money, but it enabled us to purchase a bunch of new vehicles to supply hot meals to the homebound. Again, you know, it's a curse and it's a virtue. You know, I won't give up on trying to care for somebody. I won't. And whether you buy it or not buy it, I'm only here to care. And if you think about our elderly, the people that have been through their life and given us so much it's unbelievable, and maybe there is some and maybe — we know there are — that are sitting right out there and they'd just love a hot meal. You know, again, is that too much? I mean, is it really too much?

So this year there is \$3 million in my budget to buy another 43 vehicles and to supply all kinds more meals to the seniors that are out there that are looking for just a warm meal and a kind voice. (APPLAUSE)

Woody, don't sit down, you know. I don't know where you can stand here.

Let me tell you just this. I can't tell this story enough. But I was in Barboursville with the veterans, and I said, "What would you want if we could do whatever you could do?" And they said we'd like — Governor, we'd like our retirement exempt from state income tax. And I said, well, how much would that cost? And they said — I said, is there anybody here that knows? Because we were in session. And nobody really knew. But all of a sudden there is this one guy, who is a really sharp guy, and he stood up and said, Governor, I think it's somewhere between \$2.7 and 3.2 million. I couldn't believe it. I could not believe it.

Again, these people have given each and every one of you, and me, every single thing we have in this life. Everything. Everything. I don't care what it is. I don't care if you're going to Wendy's. I don't care what in the world you're doing, we owe every single thing in our life to them. Everything. It's all there is to it. Again, I say it over and over and over. They ask so little and they've given so much. It's unbelievable.

So we came back. And I set it up, and you were kind enough to get behind it, and boom, it was done just that quick. I thank you again. I thank you for all of them. I thank you for me. I thank you for my dad. I thank you for Cathy's dad. I thank you.

Now, in my budget you'll find \$5.5 million that's going to the nursing home in Clarksburg. You'll also find that we've been able to purchase more vans to be able to get our veterans to the hospitals. You'll see in my contingency fund I was able — because these people stood in the road, they did everything in the world to raise money for the Oceana Memorial Wall. And my dad is on that wall.

So we took a few contingency dollars and we were able to get them over the edge, and their wall is built. (APPLAUSE)

But let me tell you this. We've got a Metal of Honor recipient. It's unbelievable. You talk about a hero. I mean, you may think you're important. I may think I'm important. We can't hold a candle to this man. And not only is he that, but what he's doing all across this country for our Gold Star Families is off the chart.

So I don't know how our thunderous applause could thank him any more, no way could it thank him any more, but please, Woody Williams, stand, and let's absolutely give him the applause that he deserves. (APPLAUSE)

MR. WILLIAMS: Governor, if I may be so bold —

GOVERNOR JUSTICE: Come on up here. You can come up here by my tackle box.

MR. WILLIAMS: If I may be so bold.

GOVERNOR JUSTICE: Please.

MR. WILLIAMS: We're going to do a monument on the Capitol grounds that will be two times the size of anybody else's in the country, because we are West Virginia.

(APPLAUSE)

GOVERNOR JUSTICE: Here. You come up here. You come right on up here. Move this out of the way. Come on over here and just talk. They'd rather hear from you than me.

MR. WILLIAMS: We're currently in 45 states — 45 states in this country — communities. We've lost count of those. But they have put up a Gold Star Family Memorial Monument to honor those families that gave more than any of us. They gave one of their loved ones so we can be free. We've got 63 more that are in the process somewhere in the country. West Virginia can be very, very proud. We already have seven communities in this state that have put up a Gold Star Family Memorial Monument to honor those in their communities. We have four more that are in the process and working every day, and in just a few months they will be on live.

So it's happening all over the country because of the big hearts and the love that people show for those who gave so much of a sacrifice.

We need \$12,000 to meet our goal for our Capitol monument. So I'm hoping we can get \$12,000 out of him. (APPLAUSE)

GOVERNOR JUSTICE: Well, I'll tell you what. You can keep that little orange jacket, and I'll give you the \$12,000 tomorrow out of the contingency fund. And you stay away from my hatchet.

Listen, let me tell you something else. The good Lord gave you the ability to smile and to laugh. It's good stuff. This is an unbelievable hero right in our midst, and he is unreal. Unbelievable what he can do and say.

And I'd like to touch on just a couple other things really quick. The arts. And the funding of the arts is terribly important to our state. We don't want in any way to lose our identity of how great we really are. And you know that every dollar — every dollar that we pump into arts, we return back 23 almost instantaneously.

Brother Randall, where are you?

Oh, my goodness. Please stand. And we're going to — (APPLAUSE)

I mean, what a job he is doing. It's off the chart. Look at this. I love it. (APPLAUSE)

You didn't even let me, you know, recognize these two other people. There is a lady here, and her name is Chiho Feindler. How about that? And she's a senior director of programs and policy, and she heads up this effort called Save the Music. And absolutely there is packages of musical instruments in all 55 of our counties. It's unbelievable how important that is.

And hold on just one second.

And the other person that is here that we want to recognize is our senior advisor to the Office of Senior Deputy Chairman — good gracious — oh, no, wait a

minute. This is the Chief Grant Coordinator. Oh. Forgive me. We need you really bad. This is Joshua Mauthe.

Where is he? If he would stand. Thank you, sir.
(APPLAUSE)

Now, we're on the homestretch. Year 2020. An incredible, incredible anniversary year. One hundred years now — one hundred years the women have been able to vote. Absolutely 100 years. And please, let's all cheer in every way, shape, form, or fashion for that anniversary.
(APPLAUSE)

Okay. Last year I came to you with the idea of an Intermediate Court of Appeals. I really truly believe that it is a part of putting us on our way to restore honor and integrity to our system even better. We need to do it. And I think we can get it across the finish line this year. It will help us in lots and lots of different ways.

You know, now, the other thing I would say about this is just this. With a follow-up of the Court we have right here, and the assistance that we can give in many different ways, we've got to get that across the finish line.

Last thing I would say. My very last page. I'd say just this. Cathy and I the other day, we went to the National Guard hangar, and at that hangar there was a plane that landed with a hundred plus of our bravest and best that came back from 11 months of duty all over the world — most of them in Iraq and Kuwait. Just think about it. Think about last night. Think about last night, if you would have been the parents, or the spouse of your child, that would have been in Iraq, one of those bases...just think about what I've said about how much we owe. How much we truly owe.

Cathy and I were there. And they got off the plane, and all their families were here and there and everything, and here they came. And Cathy kept saying, "Can you imagine? Can you imagine, really and truly, how tough and how good this really is?" We both walked around with tears running down our face. It was unbelievable how great it really, really truly was.

Now, but on that same day, that same day, we had seven being deployed that day.

Now, let me tell you. Tonight we have with us Mrs. Tiffany Holstein. Her — And her daughter Taylor. Her husband is a technical sergeant, Brandon Holstein. He's deployed with our 130th Airlift Wing.

If she would stand, please. Give her the love that absolutely all of us want to do. (APPLAUSE)

Tiffany, Brandon will be home soon. And that will be great stuff.

You know, I'd leave you with one thought. There may be people here that love West Virginia as much as me. But there is no way on earth there is anybody here that loves it more. I love you. I love this great state. I love all that we stand for. I love the fact that I've been able to be maybe a coach. I've been maybe working towards the fact that if we could just say that maybe, just maybe, I've been a coach that's been working to train you for the Olympics. And that's you, being West Virginia. And all I would say now is: Go win the gold.

God bless you. Thank you. (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
Jim Justice
Governor of West Virginia

January 8, 2020

EXECUTIVE MESSAGE NO. 1
FIRST REGULAR SESSION

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, 2020.

Sincerely,

Jim Justice,
Governor.

Whereupon,

In compliance with Subdivision (4), Subsection B, Section 51, Article VI of the Constitution, at the request of Delegate Summers and by unanimous consent, the House of Delegates returned to the Eighth Order of Business for the purpose of introducing the following bill, which was read by its title and referred to the Committee on Finance:

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

H. B. 4021 - “A Bill making appropriations of public money out of the Treasury in accordance with Section 51, Article VI of the Constitution.”

Accompanying the Budget Bill was a document showing estimates of revenue, expenditures, etc., as required by Section 51, Article VI of the Constitution.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Hornbuckle.

Delegates Espinosa, Fleischauer and Skaff were absent during the quorum call but were present for parts of the floor proceedings.

At 8:29 p.m., on motion of Delegate Summers, the House of Delegates adjourned until 11:00 a.m., Thursday, January 9, 2020.

Thursday, January 9, 2020

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 Wednesday, January 8, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 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 and §3-10-3 of the Code of West Virginia, 1931, as amended, relating to nonpartisan election of justices of the Supreme Court of Appeals; 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; providing that when no candidate for a certain vacancy on the Supreme Court of Appeals has received at least forty percent of the total votes cast in

an election for that division held concurrently with the general election, a runoff election for that seat which shall include only those two candidates receiving the highest and second highest number of votes cast in that election is to occur within 90 days; and, providing that, in such circumstance, the state shall reimburse the counties for the cost of such election,”

With the recommendation that the committee substitute do pass.

Resolutions Introduced

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

By Delegate Kump:

H. J. R. 103 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section §1b, article X thereof; relating to permitting increase in homestead exemption; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of the proposed amendment”; to the Committee on Finance then the Judiciary.

And,

By Delegate Kump:

H. J. R. 104 – “Proposing an amendment to the Constitution of the State of West Virginia amending section 22, article VI thereof, relating to the length of legislative sessions numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on the Judiciary.

Bills Introduced

Pursuant to House Rule 92, bills were introduced, read by their titles, and severally referred as follows:

By Delegates Little, Howell, Cowles, Foster, Porterfield, Higginbotham, Mandt, Shott, Butler and Ellington:

H. B. 4011 - “A Bill to amend and reenact §30-1-5 and §30-1-19 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 of said code; 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, §30-6-18, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; 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, §30-9-18, §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 of said code; 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 of said code; 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; 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 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, §30-17-18, and §30-17-19 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; to amend said code by adding thereto a new article, designated §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, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, and §30A-1-29; to amend said code by adding thereto a new article, designated §30A-1B-1, §30A-1B-2, §30A-1B-3, §30A-1B-4, §30A-1B-5, §30A-1B-6, §30A-1B-7, and §30A-1B-8; to amend said code by adding thereto a new article, designated §30A-1C-1, §30A-1C-2, §30A-1C-3, and §30A-1C-4; to amend said code by adding thereto a new article, designated

§30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §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-2-18, §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, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §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-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §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-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §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-5-14, §30A-5-15, §30A-5-16, and §30A-5-17, to amend said code by adding thereto a new article, designated §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 amend said code by adding thereto a new article, designated §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, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and §30A-7-28; to amend said code by adding thereto a new article, designated §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, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to

amend said code by adding thereto a new article, designated §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-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12, §30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, and §30B-1-28; to amend said code by adding thereto a new article, designated §30B-1B-1, §30B-1B-2, §30B-1B-3, §30B-1B-4, §30B-1B-5, §30B-1B-6, §30B-1B-7, and §30B-1B-8; to amend said code by adding thereto a new article, designated §30B-1C-1, §30B-1C-2, §30B-1C-3, and §30B-1C-4; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding there to a new article, designated §30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17, §30B-5-18, and §30B-5-19; to amend said code by adding thereto a new article, §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, and §30B-6-17; to amend said code by adding thereto a new article, designated §30B-7-1, §30B-7-2, §30B-7-3, §30B-7-4, §30B-7-5,

§30B-7-6, §30B-7-7, §30B-7-8, §30B-7-9, §30B-7-10, §30B-7-11, §30B-7-12, §30B-7-13, §30B-7-14, §30B-7-15, §30B-7-16, §30B-7-17, §30B-7-18, §30B-7-19, §30B-7-20, §30B-7-21, §30B-7-22, §30B-7-23, §30B-7-24, §30B-7-25, §30B-7-26, and §30B-7-27; and to amend said code by adding thereto a new article, designated §30B-8-1, §30B-8-2, §30B-8-3, §30B-8-4, §30B-8-5, §30B-8-6, §30B-8-7, §30B-8-8, §30B-8-9, §30B-8-10, §30B-8-11, §30B-8-12, §30B-8-13, §30B-8-14, §30B-8-15, §30B-8-16, §30B-8-17, §30B-8-18, §30B-8-19, §30B-8-20, and §30B-8-21, all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically-related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for non-medical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A and making no substantive changes in these relocated articles; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; adding a new article conforming the provisions of these articles with those in the original Chapter 30 providing for consideration of military training and experience, and for suspension of fees and continuing education requirements for members of the armed forces on active duty and for spouses accompanying such members; adding a new article conforming the provisions of these articles with those in the original Chapter 30 providing for recognition of training and apprenticeship programs and requiring the proposal of legislative rules therefor; placing articles for the licensing authorities for non-medical occupations that do not require a minimum of a baccalaureate degree in a new Chapter 30B and making no substantive changes in these relocated articles; and adding a new article conforming the authorities,

duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; adding a new article conforming the provisions of these articles with those in the original Chapter 30 providing for consideration of military training and experience, and for suspension of fees and continuing education requirements for members of the armed forces on active duty and for spouses accompanying such members; and adding a new article conforming the provisions of these articles with those in the original Chapter 30 providing for recognition of training and apprenticeship programs and requiring the proposal of legislative rules therefor”; to the Committee on Government Organization.

By Delegates Porterfield, Howell, Little, Mandt, Higginbotham, Foster, Cowles, Ellington and Jennings:

H. B. 4012 - “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 §30-11-1, §30-11-2, §30-11-3, §30-11-4, §30-11-5, §30-11-6, §30-11-7, §30-11-8, §30-11-9, §30-11-10, §30-11-11, §30-11-12, §30-11-13, §30-11-14, §30-11-15, §30-11-16, §30-11-17, §30-11-18, §30-11-19, §30-11-20, §30-11-21, §30-11-22, §30-11-23, §30-11-24, §30-11-25, §30-11-26, §30-11-27, §30-11-28, §30-11-29, §30-11-30, §30-11-31, §30-11-32, §30-11-33, §30-11-34, §30-11-35, §30-11-36, §30-11-37, and §30-11-38, 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; establishing a 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 the board to hire, or contract for, qualified investigators; specifying grounds for

investigations; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and establishing misdemeanor criminal penalties for violations of article”; to the Committee on Government Organization.

By Delegates Steele, Little, Atkinson, Westfall, Porterfield, Rowan and Rohrbach:

H. B. 4013 - “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 Delegates Kessinger, Barnhart, Hanna, Mandt, Kump, Atkinson, Rowan, Maynard, Sypolt, Nelson and Hardy:

H. B. 4014 - “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, community or technical college, or 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 Finance.

By Delegates Linville, Atkinson, Barnhart, D. Kelly, Maynard, Sypolt, Porterfield, Hanshaw (Mr. Speaker), Queen, Pack and Nelson:

H. B. 4015 - “A Bill to amend and reenact §31-15-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §31G-1-3 of said code; and to amend said code by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3 and §31G-5-4, all relating generally to economic development; permitting the existing insurance fund to insure additional broadband internet service; making the four legislative members of the Broadband Enhancement Council voting members of the council instead of ex officio, nonvoting advisory members;

enacting the Vertical Real Estate Management and Availability Act; requiring the Department of Administration to coordinate with the Governor to seek proposals to manage state-owned vertical real estate; establishing how the vertical real estate is to be managed; and defining ‘vertical real estate’ as any structure that is suitable for the mounting of communications equipment and associated ground facilities”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Higginbotham, Hanna, Barnhart, Little, Foster, Hamrick, Porterfield, D. Kelly, Fast, Criss and J. Jeffries:

H. B. 4016 - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-16-4, §17C-16-5 and §17C-16-6 of said code, all relating to changing annual mandatory state inspections of motor vehicles, trailers, semitrailers, and pole trailers to mandatory inspections every three years; adjusting inspection sticker fee and charge for vehicle inspections; and providing operative date of amendments”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Summers, D. Jeffries, Sypolt, D. Kelly, Toney, Hardy, Mandt, Maynard, Linville, Phillips and Criss:

H. B. 4017 - “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 Government Organization.

By Delegates Bibby, Maynard, Mandt, Barnhart, Porterfield, Waxman, Fast, Householder, Butler, Jennings and Ellington:

H. B. 4018 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a,

relating to requiring all able-bodied adults receiving Medicaid benefits to be employed or participating and complying with the requirements of a work, education, or volunteer program for at least 20 hours per week upon the issuance to the state of a waiver from the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for a demonstration project under section 1115(a) of the Social Security Act to implement the requirements of this law, generally”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates J. Kelly, Toney, Westfall, Barnhart, Maynard, Porterfield, Mandt, Little, Queen, Householder and Butler:

H. B. 4019 - “A Bill to amend the Code of West Virginia by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, §11-13FF-9, §11-13FF-10, §11-13FF-11, §11-13FF-12, §11-13FF-13, §11-13FF-14, §11-13FF-15, §11-13FF-16, §11-13FF-17, §11-13FF-18, §11-13FF-19, and §11-13FF-20, all relating generally to creating the Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020; providing for administration and enforcement of act; providing short title; making legislative findings; stating legislative purpose; defining certain terms; specifying amount of credit allowable based on amount of qualified investment and number of new jobs created; providing for application of credit; providing rules for computing qualified investment and number of new jobs; providing rules for forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing for recapture of credit under certain circumstances and imposing recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalty for failure to keep required records; providing rules for interpretation and construction of credit; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and

Penalties Act; providing for severability; and specifying effective date”; to the Committee on Finance.

By Delegates Swartzmiller, Lavender-Bowe, Boggs, Sponaugle, Hornbuckle, Lovejoy, Angelucci, Caputo, Robinson, Miley and Bates:

H. B. 4072 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to removing the income cap for eligibility for the exemption from state taxation of social security benefits; and providing an effective date”; to the Committee on Finance.

By Delegates Robinson, Lovejoy, N. Brown, Miller, Canestraro, Fluharty, Pushkin, Zukoff, Lavender-Bowe, Skaff and Walker:

H. B. 4073 - “A Bill to amend and reenact §3-8-15 of the Code of West Virginia, 1931, as amended, relating to disclosure of fundraising contributions during a legislative session; and requiring disclosure of fundraising contributions by caucus campaign committees”; to the Committee on the Judiciary.

By Delegates J. Jeffries, Foster, Howell, McGeehan, Maynard and Linville:

H. B. 4074 - “A Bill to amend and reenact §11-16-11b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60-7-9, all relating to special licenses for one-day charitable events for the sale, serving, and auctioning of nonintoxicating beer, nonintoxicating craft beer, and alcoholic liquors when raising money for artistic, athletic, charitable, educational, or religious purposes”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate J. Jeffries:

H. B. 4075 - “A Bill to amend and reenact §30-6-23 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-14-10 of said code, all relating to allowing a funeral service licensee only to solicit business whether such solicitation occurs after death or while death is pending and to solicit business

by telephone call or visit to a personal residence”; to the Committee on Government Organization.

By Delegates D. Jeffries, J. Jeffries, Phillips, Summers, Wilson, Graves, Hanna, Foster, Hardy, Pack and Waxman:

H. B. 4076 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person over 21 years of age possess a valid permit to possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school provided certain conditions are met”; to the Committee on the Judiciary.

By Delegates Higginbotham and Ellington:

H. B. 4077 - “A Bill to amend and reenact §18B-2B-9 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the bond required to be posted by proprietary schools; establishing methods of bonding; and requiring suspension of a proprietary school’s permit if there is not required bond coverage”; to the Committee on Education.

By Delegates Fleischauer, Rowe, Steele, Walker, Lavender-Bowe, Estep-Burton, Staggers, Pushkin, C. Thompson, Atkinson and Robinson:

H. B. 4078 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15C-2, relating to insulin cost management; defining prescription insulin drug; providing consumers with an insulin cost cap for a 30-day supply; and providing for rule-making authority”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates J. Kelly and Anderson:

H. B. 4079 - “A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to altering the definition of an aboveground storage tank”; to the Committee on Energy.

Miscellaneous Business

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

- Delegates Canestraro, Miller and Robinson for H. B. 4004

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

- Delegate Hanna for H. B. 2685

At 11:09 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 10, 2020.

Friday, January 10, 2020

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 Thursday, January 9, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 4022, Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission,

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. 3039, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters,

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

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

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4100 - “A Bill to amend and reenact §16-5Y-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Office of Health Facility Licensure and Certification to inspect office-based medication-assisted treatment programs at least every 24 months,”

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4101 - “A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home,”

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4102 - “A Bill to amend and reenact §16-46-3 of the Code of West Virginia, 1931, as amended, relating to opioid antagonists,”

And,

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4103 - “A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to office of drug control policy.”

Pursuant to House Rule 80, the Speaker referred H. B. 4100 to the Committee on Finance, H. B. 4101 to the Committee on the

Judiciary and H. B. 4102 to the Committee on Health and Human Resources.

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

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

H. B. 4058, Relating to pharmacy benefit managers,

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. 4058) was referred to the Committee on the Judiciary.

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

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

H. B. 4007, Born-Alive Abortion Survivors Protection Act,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4004, Creating the West Virginia Sentencing Commission,

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

Com. Sub. for H. B. 4004 - "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 use 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,”

With the recommendation that the committee substitute do pass.

Resolutions Introduced

Delegates Rowe, Estep-Burton, Robinson, Nelson, Skaff and Lavender-Bowe 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 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, 2nd Battalion, 27th Marines, 1st 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 51st 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.

Delegate Steele offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 5 - “Urging Congress to repeal the National Childhood Vaccine Injury Act of 1986 and stop shielding vaccine manufacturers from liability for vaccine injuries and deaths caused by their products.”

Whereas, The National Childhood Vaccine Injury Act (NCVIA) of 1986, 42 U.S.C. §§300aa-1 to 300aa-34, was enacted November 14, 1986, and has served to shield vaccine manufacturers from any and all liability for injuries and deaths resulting from the use of their products; and

Whereas, The NCVIA has resulted in a disparity of research of vaccines when compared to the medical research and testing of other medical drugs. Because vaccine manufacturers are shielded from claims of vaccine injury and death there is no incentive for vaccine manufacturers to test vaccines as rigorously as other medical drugs; and

Whereas, The NCVIA has prevented millions of vaccine-injured individuals from having their claims heard by a jury of their peers and being afforded their state and federal constitutional rights of due process; and

Whereas, The NCVIA has allowed vaccine manufacturers to operate with impunity for injuries caused by their products, as the American taxpayer ultimately pays the cost of injuries caused by vaccine manufacturers; and

Whereas, The NCVIA has paid out over \$4.2 billion dollars of tax-payer money on behalf of vaccine manufacturers for injuries and deaths caused by vaccines; therefore, be it

Resolved by the Legislature of West Virginia:

That the United States Congress is hereby urged to repeal the National Childhood Vaccine Injury Act of 1986 and stop shielding vaccine manufacturers from liability for vaccine injuries and deaths caused by their products.

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of West Virginia's congressional delegation.

Delegates Pack, Toney, Bates and Cooper 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 to name a portion of road locally known as the U. S. 19 By-Pass, at Beckley, in Raleigh County, West Virginia, the ‘Clarence Watson Meadows Memorial Boulevard’.”

Whereas, Clarence Watson Meadows (February 11, 1904-September 12, 1961) was the 22nd Governor of West Virginia; and

Whereas, Clarence Watson Meadows was born in Beckley, West Virginia. Growing up he enjoyed entertaining others as a musician and actor in community productions; and

Whereas, Governor Meadows graduated from Washington and Lee University and then received a law degree in 1927 from the University of Alabama. After considering becoming a Baptist minister, he chose to enter politics. His interest in acting carried over to his adult life. He established Beckley’s Little Theater and men’s chorus. Governor Meadows served as a Sunday school teacher and Baptist deacon; and

Whereas, After initial work in a law firm in Birmingham, Governor Meadows returned to Beckley and established his own practice. In 1930, he was elected as a Democrat to the West Virginia House of Delegates. After serving one term he was elected prosecuting attorney in his home county; and

Whereas, In 1934, Meadows married Nancy Massie of Clifton Forge, Virginia. The couple had four daughters; and

Whereas, Governor Meadows became State Attorney General in 1936 and was reelected in 1940. In May 1942, he was appointed to fill the vacant Tenth Circuit judgeship, to which he won election to a full term in 1943. He entered the 1944 Democratic gubernatorial primary, winning 52 of the 55 counties, and won in the general election. He was described in the press as a conscientious, honest and trustworthy public official; and

Whereas, Interested in improving public schools, Governor Meadows introduced legislation to increase pay for teachers and commissioned a broad study of the state's school system. The resulting report called for increased funding for education by a more equitable statewide assessment of the property taxes that supplied the bulk of education funds; and

Whereas, In 1947 Governor Meadows, recognizing the importance of improving transportation, dedicated Charleston's Kanawha Airport (now Yeager Airport). A year later, he proposed a \$50 million "farm-to-market" road bond issue, which was approved by voters. He called for the construction of a state office building, now known as Building Number 3, to replace scattered space being rented by the state. This building was designed by Cass Gilbert Jr., the son of the original Capitol architect. In addition, Governor Meadows recommended higher pay for all state employees; and

Whereas, After leaving office in 1949, Meadows practiced law in Charleston and pursued investment interest. Later, he moved to Fort Lauderdale, Florida, where he practiced law and engaged in real estate development; and

Whereas, In August 1961, Governor Meadows died at age 57 due to a combination of heart and kidney problems. He was buried in Clifton Forge, Virginia, but a year later the body was reinterred in Beckley's Wildwood Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate former Governor Clarence Watson Meadows and his contributions to the state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of road locally known as the U. S. 19 By-Pass, at Beckley, in Raleigh County, West Virginia, the "Clarence Watson Meadows Memorial Boulevard"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying

the portion of road as the “Clarence Watson Meadows Memorial Boulevard”; 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 Staggers, Evans, Rowan, McGeehan, Zukoff, Lavender-Bowe, Walker, S. Brown, Estep-Burton and Howell:

H. B. 4080 - “A Bill to amend and reenact §48-22-502 of the Code of West Virginia, 1931, as amended, relating to petition for legal adoption; accepting unverified petition for adoption in limited circumstance where parent signed adoption petition but died before verification was obtained”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Anderson, Shott and J. Kelly:

H. B. 4081 - “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 applicability; providing for conflicts with other laws; 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 the Judiciary.

By Delegate Porterfield:

H. B. 4082 - “A Bill to amend and reenact §11-8-5 of the Code of West Virginia, 1931, as amended, relating to classifying single family real estate property as Class II property for county tax purposes”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Stagers, Evans, Toney, Ellington, Shott, Jennings, Lavender-Bowe, Atkinson, Walker, Caputo and Pack:

H. B. 4083 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-13b, relating to requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls on the West Virginia Turnpike”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Foster, Waxman, Cadle, Cooper, Porterfield, Jennings and Barnhart:

H. B. 4084 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18A-4-2d and §18A-4-4a, all relating to teacher salary enhancement; requiring that to qualify for certain additional salary provisions, the teacher’s earned master’s degree or graduate work toward or following obtaining a master’s degree, shall be in the field in which the teacher is teaching”; to the Committee on Education.

By Delegates Foster, Bibby, Steele, Butler, Waxman, Cadle, J. Jeffries, Jennings and Barnhart:

H. B. 4085 - “A Bill to amend and reenact §18C-7-6 and §18C-7-7 of the Code of West Virginia, 1931, as amended, relating to PROMISE Scholarship Program requirements; requiring repayment of scholarship if student is not employed in West Virginia following graduation, under certain circumstances”; to the Committee on Education then Finance.

By Delegates Foster, Phillips, Bibby, Steele, Waxman, Cadle, Porterfield and Jennings:

H. B. 4086 - “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 Government Organization.

By Delegates Foster, Phillips, Atkinson, Steele, Butler, Waxman, Cadle and J. Jeffries:

H. B. 4087 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-13a, relating to allowing access to the Department of Environmental Protection’s electronic submission system by all persons, as well as multiple persons involved in the submission of a specific application or other project by those persons involved in the project”; to the Committee on Government Organization.

By Delegates Anderson and J. Kelly:

H. B. 4088 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to funding the Oil and Gas Reclamation Fund 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”; to the Committee on Energy then Finance.

By Delegate Pyles:

H. B. 4089 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e,

relating to requiring cursive writing to be taught in grades 3-5”; to the Committee on Education.

By Delegates Anderson, J. Kelly, Graves, Boggs, Pethtel, Hartman, Evans, Porterfield, Hott, Nelson and Cadle:

H. B. 4090 - “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 severance tax to be deposited in the fund; providing specific purposes and limitations for use of the fund; modifying imposition of the tax on the privilege of severing natural gas or oil by marginal oil and gas wells, other than wells utilizing horizontal drilling techniques targeting shale formations; providing exemptions from the severance tax; 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”; to the Committee on Energy then Finance.

By Delegates Anderson, J. Kelly, Porterfield, Hartman, Pethtel, Boggs, Evans, Tomblin, Phillips, Azinger and Hott:

H. B. 4091 - “A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting upon payment of applicable expedited fees; allowing expedited oil and gas well permit modifications upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited with the Oil and Gas Operations Permit and Processing Fund; permitting one half of any residual fees to be deposited with the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of one half the modification fees between day 20 and day 30 after the submissions of a permit modification application; providing for a maximum amount of \$1

million for all residual fees from this article deposited in any fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund”; to the Committee on Energy.

By Delegates Hill, Pack, Summers, Espinosa, Hanna, Worrell, Estep-Burton, Lavender-Bowe, Pushkin, C. Thompson and Walker:

H. B. 4092 - “A Bill to repeal §49-2-102, §49-2-104 and §49-2-125 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206, §49-2-108, §49-2-110, §49-2-111, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126; and to amend said code by adding thereto two new section §49-2-127 and §49-2-128, all relating to foster care”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Waxman, C. Martin, Sypolt, Phillips, Howell, Bibby, Graves, Hanna, D. Jeffries, Butler and Hardy:

H. B. 4093 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to criminal acts at the State Capitol; eliminating the prohibition against carrying firearms on the grounds of the State Capitol Complex”; to the Committee on the Judiciary.

By Delegates Hill, Pack, Summers, Espinosa, Mandt, Rowan, Worrell, Fleischauer, Pushkin, C. Thompson and Walker:

H. B. 4094 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the Foster Care Ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties;

providing funding for the ombudsman”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Howell, Waxman, Rowan, Cadle, Bibby, Summers, D. Jeffries, Cooper, Barnhart and D. Kelly:

H. B. 4095 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-11E-1, §19-11E-2, and §19-11E-3, all relating to defining the term milk, prohibiting its use in certain cases and requiring actions by other states to make the law effective”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Kump, Householder, D. Kelly, Summers, Sypolt, Mandt, J. Jeffries, Bibby, Steele, Hardy and Fast:

H. B. 4096 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-2b, relating to requiring all candidates for office to have their principal place of residence within the election districts for which they are seeking office”; to the Committee on the Judiciary.

By Delegates Howell, Criss, J. Jeffries, Waxman, Cadle, Cowles, Bibby, Summers, D. Jeffries, Hanna and Kump:

H. B. 4097 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-16e, relating to requiring municipalities to maintain a program to assist homeowners who are eligible for the homestead exemption in maintaining their homes free of conditions that are unsafe, unsanitary, dangerous or detrimental to the public safety or welfare”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Howell, J. Jeffries, Waxman, Cadle, Bibby, D. Jeffries, Hanna, Kump, Cooper, Phillips and Barnhart:

H. B. 4098 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §2-4-1, §2-4-2, §2-4-3, §2-4-4 and §2-4-5, all relating to the second amendment sanctuary law; legislative findings; prohibitions; penalties and severability”; to the Committee on the Judiciary.

By Delegates Foster, Butler, Waxman, Cadle, J. Jeffries and Porterfield:

H. B. 4099 - “A Bill to repeal §30-27-11a of the code of West Virginia, 1931, as amended, relating to eliminating the permit for shampoo assistants”; to the Committee on Government Organization.

Special Calendar

First Reading

Com. Sub. for H. B. 2008, Relating to nonpartisan election of justices of the Supreme Court of Appeals; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 2008) was committed to the Committee on Finance.

Miscellaneous Business

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

- Delegate Sypolt during Remarks by Members

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

- Delegate Porterfield for H. B. 2164, H. B. 2228, H. B. 2419 and H. B. 3019

- Delegate Azinger for H. B. 4079

- Delegate Summers for H. B. 2046

- Delegate Mandt and Wilson for H. B. 3039

- Delegates Foster, Graves, Hanna, Hardy, J. Jeffries, Pack, Phillips, Summers, Waxman and Wilson for H. B. 4024

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

- Delegate Mandt for H. B. 4010 and H. B. 4018
- Delegate Hardy for H. B. 2817
- Delegate Hanna for H. B. 2425 and H. B. 2808
- Delegate Espinosa for H. B. 4009

At 11:17 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 13, 2020.

Monday, January 13, 2020

SIXTH 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 10, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Speaker Hanshaw, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

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

And reports the same back without recommendation as to its adoption.

Bills Introduced

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

By Delegates Foster, Phillips, Jennings, Atkinson, Bibby, Steele, Butler, Waxman, Espinosa, Porterfield and Mandt:

H. B. 4020 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-5h, relating to prohibiting any municipality from requiring a municipal license to engage in an occupation within the municipality if

licensure to engage in that occupation is required by the state”; to the Committee on Government Organization.

By Delegates Foster, Phillips, Bibby, Porterfield, Jennings, Anderson, Steele, Howell, Hanna, Fast and Shott:

H. B. 4104 - “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”; to the Committee on Industry and Labor then Government Organization.

By Delegates Atkinson, Higginbotham, Miller, J. Kelly, Lavender-Bowe, Ellington, Jennings, Cooper, D. Kelly, Waxman and Bibby:

H. B. 4105 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to requiring that public schools have full-time trainers on staff; requiring rulemaking; and allowing exceptions”; to the Committee on Education then Finance.

By Delegates Rowe, Estep-Burton, Hansen, Robinson, Fleischauer and Walker:

H. B. 4106 - “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 creating the biometric information privacy act; providing legislative findings and definitions; regulating the retention, collection, disclosure, and destruction of biometric identifiers or biometric information; providing a right of action for grievances; and construction of this article”; to the Committee on the Judiciary.

By Delegates Foster, Steele, Butler, Waxman, Cadle, J. Jeffries, Anderson, Fast, Kessinger, Lovejoy and Rowe:

H. B. 4107 - “A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to pay the attorney fees of an adoptive parent in a subsidized adoption”; to the Committee on Health and Human Resources.

By Delegates Summers, Waxman, Porterfield, Fast, Householder, Jennings and Ellington:

H. B. 4108 - “A Bill to repeal §16-2D-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-2D-10 of said code, all relating generally to certificates of need for health care services; and changing those health care services that require approval from the West Virginia Health Care Authority to be exempt from a certificate of need to being exempt without approval”; to the Committee on Health and Human Resources.

By Delegates Butler, Fast, Kessinger, Foster, D. Jeffries, Bibby, Pack, P. Martin, D. Kelly, J. Jeffries and Graves:

H. B. 4109 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to the preservation of rights guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country, the choice of law used for contractual interpretations and choice of forum; exempting businesses; making legislative findings; stating public policy; defining a term; and providing a severability provision”; to the Committee on the Judiciary.

By Delegates Foster, Waxman, Jennings, Porterfield, Steele, Hanna, Kessinger, Cowles and Wilson:

H. B. 4110 - “A Bill to repeal §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, §21-1C-5, and §21-1C-6, of the Code of West Virginia, 1931, as amended, relating to repealing the West Virginia Jobs Act”; to the Committee on Government Organization.

By Delegates Miller, Lovejoy, D. Kelly, Lavender-Bowe, Tomblin, Atkinson, Maynard, Pack, Evans and Graves:

H. B. 4111 - “A Bill to amend and reenact §7-14D-14 of the Code of West Virginia, 1931, as amended, relating to awards and benefits for disability under the Deputy Sheriff Retirement Act”; to the Committee on Pensions and Retirement then Finance.

By Delegates Atkinson, J. Kelly, Westfall, D. Jeffries, Criss, Miller, Jennings, Higginbotham, Lavender-Bowe, Ellington and Cooper:

H. B. 4112 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-

22e, relating to requiring county school boards to provide adequate mental health evaluations, services, and counseling services for pupils in the public schools; establishing minimum number of school psychologists by 2022-2023 school year; and authorizing alternative professional practitioners”; to the Committee on Education then Finance.

By Delegates Atkinson, Pack, Anderson, Cooper, Criss, Cowles, Maynard, Hardy, Steele, Ellington and Jennings:

H. B. 4113 - “A Bill to amend and reenact §11-14C-9 and §11-14C-30 of the Code of West Virginia, 1931, as amended, all relating to motor fuel excise taxes, providing exemption for fuel used in power take off unit of a fuel delivery truck; and allowing refunds of all motor fuel taxes if fuel lost through casualty”; to the Committee on Finance.

By Delegate Steele:

H. B. 4114 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3D-1, §16-3D-2, §16-3D-3, §16-3D-4, §16-3D-5, and §16-3D-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele, Graves and Pack:

H. B. 4115 - “A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunization of public school children; and removing references to private and parochial schools from compulsory immunization”; to the Committee on Education then Health and Human Resources.

By Delegates Steele and Pack:

H. B. 4116 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j; and amend and reenact §20-2-16 of said code, all relating to the permitting the tracking of wounded or injured deer or bear with leashed dogs; and providing that if the owner of a dog that has been

used to hunt or chase deer cannot be ascertained, the natural resources police officer is to deliver the dog to the appropriate county humane officer or facility”; to the Committee on Agriculture and Natural Resources.

By Delegates Higginbotham, Ellington, Howell, Hamrick, Atkinson, J. Jeffries, Waxman, Barnhart, Dean, Jennings and Rohrbach:

H. B. 4117 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing a special vehicle registration plate for ‘2nd Amendment’ enthusiasts”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Steele, Graves, Pack and Byrd:

H. B. 4118 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3B-1, §12-3B-2, §12-3B-3, §12-3B-4, and §12-3B-5, all relating to creating a state-wide email address directory; requiring the database of state agencies’ and state employees’ email addresses be available online; providing that email addresses of citizens be voluntary; providing a tax credit; prohibiting disclosure of personal email addresses; providing a penalty; defining terms; and requiring rule-making”; to the Committee on the Judiciary then Finance.

By Delegates Steele, Graves, Pack and Byrd:

H. B. 4119 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to establishing the crime of torture; establishing criminal penalties; and defining terms”; to the Committee on the Judiciary.

By Delegates Williams, Summers, Miley, Caputo, Barrett, Householder, Fleischauer, Pyles, Walker, Zukoff and Hansen:

H. B. 4120 - “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 Foster, Jennings, Waxman, Cadle, J. Jeffries, Porterfield, Anderson, Mandt, Hanna, Phillips and Wilson:

H. B. 4121 - “A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; and requiring Treasurer to transfer certain funds accumulated by the boards into the State General Fund”; to the Committee on Government Organization then Finance.

By Delegates D. Jeffries, Porterfield, Azinger, Tomblin, J. Jeffries, Hott, Cadle, Sybolt, Barnhart and Hamrick:

H. B. 4122 - “A Bill to amend and reenact §30-1-5 and §30-1-19 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, §30-2-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15 and §30-2-16 of said code; 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, §30-6-18, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; 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, §30-9-18, §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 of said code; 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 of said code; 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; 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 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, §30-17-18, and §30-17-19 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of

said code; 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 of said code; 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 of said code; to amend said code by adding thereto a new article, designated §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, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, and §30A-1-29; to amend said code by adding thereto a new article, designated §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §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-2-18, §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, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §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-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §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-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §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-5-14, §30A-5-15, §30A-5-16, and §30A-5-17, to amend said code by adding thereto a new article, designated §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 amend said code by adding thereto a new article, designated §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, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and §30A-7-28; to amend said code by adding thereto a new article, designated §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, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to amend said code by adding thereto a new article, designated §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-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12, §30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, and §30B-1-28; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-

3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding thereto a new article, designated §30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17, §30B-5-18, and §30B-5-19; to amend said code by adding thereto a new article, §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, and §30B-6-17; to amend said code by adding thereto a new article, designated §30B-7-1, §30B-7-2, §30B-7-3, §30B-7-4, §30B-7-5, §30B-7-6, §30B-7-7, §30B-7-8, §30B-7-9, §30B-7-10, §30B-7-11, §30B-7-12, §30B-7-13, §30B-7-14, §30B-7-15, §30B-7-16, §30B-7-17, §30B-7-18, §30B-7-19, §30B-7-20, §30B-7-21, §30B-7-22, §30B-7-23, §30B-7-24, §30B-7-25, §30B-7-26, and §30B-7-27; and to amend said code by adding thereto a new article, designated §30B-8-1, §30B-8-2, §30B-8-3, §30B-8-4, §30B-8-5, §30B-8-6, §30B-8-7, §30B-8-8, §30B-8-9, §30B-8-10, §30B-8-11, §30B-8-12, §30B-8-13, §30B-8-14, §30B-8-15, §30B-8-16, §30B-8-17, §30B-8-18, §30B-8-19, §30B-8-20, and §30B-8-21, all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically-related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for non-medical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A and making no substantive changes in these

relocated articles; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; placing articles for the licensing authorities for non-medical occupations that do not require a minimum of a baccalaureate degree in a new Chapter 30B and making no substantive changes in in these relocated articles; and adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30”; to the Committee on Government Organization.

By Delegates Stagers, Evans, Higginbotham, Lavender-Bowe, Walker, Caputo, S. Brown, Estep-Burton, Swartzmiller and Maynard:

H. B. 4123 - “A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-5 of said code, all relating to clarifying that 911 telecommunication workers are included in the definition of those individuals who perform ‘emergency services’ during a disaster; providing that emergency telephone systems be staffed with individuals who have been professionally trained and certified in the proficient handling of emergency calls, including, but not limited to, giving medical advice, instructing callers regarding remaining safe in difficult situations and disasters, and promptly and knowingly dispatching the appropriate emergency service providers to those persons in need or to the affected area; and providing that those individuals shall, for all purposes, be considered first responders and professionals in the performance of their duties”; to the Committee on Fire Departments and Emergency Medical Services then Health and Human Resources.

By Delegate Worrell:

H. B. 4124 - “A Bill to amend and reenact §16-2D-8 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to exempting certain health services from certificate of need”; to the Committee on Health and Human Resources.

By Delegate Byrd:

H. B. 4125 - “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 Byrd:

H. B. 4126 - “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 Finance.

By Delegates Foster and Waxman:

H. B. 4127 - “A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating generally to hunting and fishing; permitting trotlines, droplines and minnow traps to be lawful if certain conditions are met; and permitting jug fishing”; to the Committee on Agriculture and Natural Resources.

By Delegates Hill, Summers, Hanna, Mandt, Rowan, Worrell, Estep-Burton, Lavender-Bowe and C. Thompson:

H. B. 4128 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29; to amend and reenact §30-30-16 of said code; to amend said code by adding thereto a new section, designed §30-30-30; and to amend and reenact §49-2-802 of said code, all relating to child protective caseworkers; classifications; registrations; qualifications; grievances; and returning foster children back to this state”; to the Committee on Health and Human Resources.

By Delegates Summers, Hill, Pack, Espinosa, Hanna, Rowan, Worrell, Estep-Burton, Fleischauer, C. Thompson and Walker:

H. B. 4129 - “A Bill to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-2-111c, all relating to adoption; providing that if a minor child to be adopted has been removed from a prior home due to an abuse or neglect, the petition for adoption may be filed in the same county as the original abuse and neglect proceeding; eliminating a 45-day

waiting period; and requiring the Department of Health and Human Services to pay for adoption services”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates D. Jeffries and Hanna:

H. B. 4130 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contacts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary; and making the award of such contracts subject to other competitive bidding requirements of said code”; to the Committee on the Judiciary.

By Delegate Byrd:

H. B. 4131 - “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 Technology and Infrastructure then Government Organization.

By Delegate Byrd:

H. B. 4132 - “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 Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Criss, Hamrick, Atkinson, Foster, Kump, Pack, Little, Barnhart and Mandt:

H. B. 4133 - “A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to clarifying display of the name on the face of a driver’s license, and to clarify that all documents acceptable under federal law for proof of

identity, lawful presence and residency are acceptable for licensing purposes in West Virginia”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Maynard, Jennings, Bibby, J. Jeffries, Miller, Pack and Worrell:

H. B. 4134 - “A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, relating to exempting nonpaid volunteers at a volunteer fire department or emergency medical services organization who volunteer for the purpose of fundraising, or other administrative capacity, from workers’ compensation benefits”; 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. 4135 - “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; and specifying effective dates”; to the Committee on Finance.

By Delegates Higginbotham, Ellington, Summers, Hamrick, Barnhart, Dean and Hanna:

H. B. 4136 - “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 Higginbotham, Hamrick, Barnhart and Hanna:

H. B. 4137 - “A Bill to amend and reenact §3-2-4 of the Code of West Virginia, 1931, as amended, relating to allowing counties to store and maintain voter registration records in a digital format”; to the Committee on Political Subdivisions.

By Delegates Higginbotham, Anderson, Staggers, Ellington, Hamrick, Barnhart, Toney and Hanna:

H. B. 4138 - “A Bill to amend and reenact §9A-1-10 of the Code of West Virginia, 1931, as amended, relating to requiring the

Secretary of the Department of Veterans' Assistance to prescribe methods of support for families of veterans to attend funeral services for deceased veterans, such as payment for travel expenses for members of the immediate family; and requiring rule-making"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Butler, Cadle, Kessinger, D. Jeffries, Fast, Bibby, Pack, McGeehan, P. Martin, D. Kelly and J. Jeffries:

H. B. 4139 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to creating the 'Firearm Protection Act'; providing that any federal law which attempts to ban semiautomatic firearms or to limit the size of a magazine of a firearm or other limitation on firearms in this state is unenforceable in West Virginia; and providing an effective date"; to the Committee on the Judiciary.

By Delegates Butler, Fast, Kessinger, D. Jeffries, Bibby, McGeehan, P. Martin, J. Jeffries and Graves:

H. B. 4140 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to granting tax credits for parents and legal guardians whose children are in a home schooling program or private school; and providing rule-making authority"; to the Committee on Education then Finance.

By Delegates Butler, Fast, Kessinger, D. Jeffries, Bibby, Pack, McGeehan, P. Martin, J. Jeffries, Graves and Bates:

H. B. 4141 - "A Bill to amend and reenact §5A-2-33 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Administration to publish its comprehensive annual financial report by the end of December of the calendar year in which the fiscal year reported upon ended"; to the Committee on Government Organization.

By Delegates Higginbotham, Hamrick, Cowles and Barnhart:

H. B. 4142 - "A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended, relating to providing that the

Jobs Investment Trust Board be part of the Department of Commerce”; to the Committee on Government Organization.

By Delegates Higginbotham, Ellington, Summers, Lavender-Bowe, Atkinson, Evans, Hamrick, Toney and Hanna:

H. B. 4143 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creation of the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements”; to the Committee on Education then Finance.

By Delegates Higginbotham, Summers and Hanshaw (Mr. Speaker):

H. B. 4144 - “A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to requiring vacancies in the office of county commissioner be made from a list of three legally qualified persons submitted by the appropriate party’s county executive committee”; to the Committee on the Judiciary.

By Delegates Foster, Little, Mandt, Phillips, D. Jeffries, Bartlett, Jennings and Hardy:

H. B. 4145 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local government; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws

regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications”; to the Committee on Government Organization.

By Delegates Westfall and Nelson:

H. B. 4146 - “A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; allowing a credit on an insurer’s annual statement when reinsurance is ceded to an assuming insurer and the assuming insurer is licensed in a reciprocal jurisdiction; defining reciprocal jurisdiction; setting forth the criteria required regarding the credit for reinsurance; and requiring the Insurance Commissioner to create and publish a list of reciprocal jurisdictions and assuming insurers”; to the Committee on Banking and Insurance.

By Delegate Higginbotham:

H. B. 4147 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorney’s fees and costs after a court dismisses a claim as lacking any basis in law or fact”; to the Committee on the Judiciary.

By Delegates Higginbotham, Ellington, Hamrick and Hanna:

H. B. 4148 - “A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to authorizing the suspension or dismissal of school personnel who retaliate against a student or parent who has made a complaint against teacher or school personnel for inappropriate or abusive behavior”; to the Committee on Education.

By Delegates Westfall, Queen, Barrett, Waxman, Hott, Williams, D. Jeffries and Kessinger:

H. B. 4149 - “A Bill to amend and reenact §33-4-2 of the Code of West Virginia, 1931, as amended, relating to insurance; adding definitions”; to the Committee on Banking and Insurance.

By Delegates Butler, Fast, Kessinger, Foster, D. Jeffries, Bibby, Pack, McGeehan, P. Martin, D. Kelly and J. Jeffries:

H. B. 4150 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to preventing taxpayer subsidization of health insurance covering elective abortions; prohibiting all qualified health plans offered through a state exchange from including abortion coverage except to prevent the death of the mother; and preventing all other health plans, including health insurance contracts, plans, or policies, offered outside of the exchange, but within the state, from providing coverage for elective abortions except by optional separate supplemental coverage for abortion”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Butler, Fast, Kessinger, Foster, D. Jeffries, Bibby, Pack, McGeehan, D. Kelly and J. Jeffries:

H. B. 4151 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to ensuring that, in all cases where state action is alleged to substantially burden the exercise of a First Amendment right, that a compelling interest test is mandated, and, strict scrutiny is applied”; to the Committee on the Judiciary.

By Delegates D. Jeffries, Waxman, Bartlett, Bibby, Foster, Kessinger, Campbell, Hanna, P. Martin, Wilson and Miller:

H. B. 4152 - “A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to allowing a personal income tax deduction for a stillborn child”; to the Committee on 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. 3039, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters,

Com. Sub. for H. B. 4004, Creating the West Virginia Sentencing Commission,

H. B. 4007, Born-Alive Abortion Survivors Protection Act,

H. B. 4022, Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission,

And,

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

Miscellaneous Business

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

- Delegate Walker during Remarks by Members

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

- Delegate Williams for H. B. 2046 and H. B. 3039

- Delegate Lovejoy for H. B. 2050, H. B. 2065, H. B. 2350 and H. B. 3072

- Delegate Porterfield for H. B. 2596 and H. B. 4030

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

- Delegate Butler for H. B. 4093

At 11:21 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 14, 2020.

Tuesday, January 14, 2020

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 Monday, January 13, 2020, 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 Swartzmiller, Diserio, Anderson, Angelucci, Atkinson, Azinger, Barnhart, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hanshaw (Mr. Speaker), Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, 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, Staggers, Steele, Storch, Summers, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution:

H. R. 4 - “Memorializing the life of the Honorable Roy Givens, proud father, grandfather, great grandfather, veteran, businessman, public servant and West Virginian.”

Whereas, Roy Givens was born on April 27, 1929, in Wellsburg, West Virginia, son of the late George and Annabelle Givens. In addition to his parents, Roy was preceded in death by his brothers and sister, and is survived by his children, son Jeff Givens and his wife Laurie Givens, daughter Susi Givens Melican and her husband Patrick Melican, and eight grandchildren and ten great-grandchildren; and

Whereas, Roy began his public service in 1951, when he joined the United States Army, serving as a combat medic for the 13th Combat Engineers during the Korean War, and in 1953, was honorably discharged from his military service; and

Whereas, As an active member of his community, Roy volunteered his service throughout his life and as a member of the American Legion, Korean War Veterans Association, The Elks Club, Rotary Club, and as President of the Wellsburg Lions Club, continuing his lifelong commitment to helping others, Roy first ran for public office when he was elected to the Brooke County Board of Education, serving two terms, one of which was as the board’s president; and

Whereas, Roy was first elected to the House of Delegates in 1978 where he served for 12 years. He was again elected to this House in 1994 and served an additional 8 years. In 2008, he was elected and served another 4 years. During his distinguished legislative career, his appointments included serving as Chairman of the Committee on Veterans’ Affairs, the Committee on Health and Human Resources, the Committee on Government Organization, and the Commission on Juvenile Law; and

Whereas, During his time in the House of Delegates, serving under five Speakers and seven Governors, and throughout his career, he tirelessly advocated for the needs of Brooke County and the northern panhandle in a kind and respectful manner, and always took time to listen to anyone who had a problem or concern, and

was without equivocation, known to all as a gentleman and for his kindness and compassion for everyone; and

Whereas, Roy's military service inspired much of his work in the House of Delegates, as he diligently championed securing funding for the state's first veterans nursing home, establishing the West Virginia Woman Veterans Memorial and providing free license plates for veterans who were prisoners of war; and

Whereas, Roy's legislative service also reflected his passion for his community, where he helped to secure millions of dollars for projects in his county, including the Brooke County Public Library, the creation of the Brooke Pioneer Trail, providing assistance to the Brooke County 4-H and Brooke County Senior Center and one for which we was most proud, the expansion of state Route 2; and

Whereas, Roy was committed not only to public service and his family, he was also committed to his faith, as he and his family devotedly attended The Community of Christ Church, where he was an ordained deacon; and

Whereas, Outside of his public service, Roy had a distinguished business career, working in sales for 40 years at Standard Slag Company; and

Whereas, Roy was recognized for his significant contributions to Brooke County and West Virginia through his receipt of numerous awards, including being presented with the Distinguished West Virginian Award in 2013 by then-Governor Earl Ray Tomblin; and

Whereas, Sadly West Virginia lost a fine citizen, public servant, team player, a kind, giving and a dedicated friend to many. The Honorable Roy Givens, passed away on January 3, 2019; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of the Honorable Roy Givens, father, grandfather, great grandfather,

proud veteran, businessman, public servant and distinguished West Virginian; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy to his family at the passing of the Honorable Roy Givens; 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 Roy Givens.

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.

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. 2**), and there were--yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Doyle, Espinosa, Estep-Burton, Fluharty, Hicks, Hornbuckle, Kessinger and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 4) adopted.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. R. 3, on Unfinished Business, Special Calendar, had been transferred to the House Calendar.

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. 2602, Including possession of known stolen property in the offense of receiving or transferring stolen property,

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

Com. Sub. for 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; providing that to knowingly possess stolen goods is an element of the offense of receiving or transferring stolen property; and providing an exception for certain purchasers of scrap metal,"

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. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids,

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. 4010, Changing the licensing requirement for certain casino employees,

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. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules,

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

Com. Sub. for H. B. 4042 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-1-12, relating to requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules establishing their purchasing procedures,”

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. 2679, Relating to state issued identification cards,

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

Com. Sub. for 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,”

H. B. 2696, Creating an additional index system for state-owned lands,

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

Com. Sub. for 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,”

And,

H. B. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website,

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

Com. Sub. for 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 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,”

With the recommendation that the committee substitutes 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. J. R. 26, Giving the Legislature more control over the manufacture and sale of alcohol amendment,

And reports the same back with the recommendation that it be adopted, 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. 26) was referred to the Committee on the Judiciary.

Messages from the Executive and other Communications

The following letter and report from Delegate Foster 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
State Capitol
Charleston, West Virginia 25305

January 8, 2020

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-Chairs 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 Foster's name be placed on the draft bills as the sponsor in the House of Delegates.

Thank you for your cooperation.

Sincerely,

Mark Maynard, Chair
Senate

Geoff Foster, Chair
House of Delegates

Report of the Legislative Rule-Making Review Committee

West Virginia Legislature
Legislative Rule-Making Review Committee
State Capitol
Charleston, West Virginia 25305

January 8, 2020

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
Rules for the General Administration of Records
Managements and Preservation, 148 CSR 12 [H. B. 4204]

Administration, Department of
Rules for Retention and Disposal Scheduling, 148 CSR 13
[H. B. 4205]

Administration, Department of
Rules for the Management of Records Maintained by the
Records Center, 148 CSR 14 [H. B. 4206]

Administration, Department of
Exemptions from Management Services Provided by the
Fleet Management Division, 148 CSR 23 [H. B. 4207]

Agriculture, Department of
Animal Disease Control, 61 CSR 01 [H. B. 4208]

Agriculture, Department of
Fresh Food Act, 61 CSR 10 [H. B. 4209]

Agriculture, Department of
Poultry Rules for Hatcheries, Growers and Contractors
Pertaining to Poultry Disease Control and Eradication, 61
CSR 13A [H. B. 4210]

Agriculture, Department of
Grade "A" Pasteurized Milk, 61 CSR 15 [H. B. 4211]

- Agriculture, Department of
WV Manufacture-Grade Milk, 61 CSR 19 [H. B. 4212]
- Agriculture, Department of
WV Exempted Dairy Farms and Milk and Milk Products
Processing Rules, 61 CSR 40 [H. B. 4213]
- Agriculture, Department of
West Virginia Spay Neuter Assistance Program, 61 CSR
24 [H. B. 4214]
- Agriculture, Department of
Captive Cervid Farming, 61 CSR 34 [H. B. 4215]
- Dentistry, Board of
Rule for the West Virginia Board of Dental Examiners, 5
CSR 01 [H. B. 4216]
- DEP – Air Quality Board
Ambient Air Quality Standards, 45 CSR 08 [H. B. 4217]
- DEP – Air Quality Board
Standards of Performance for New Stationary Sources, 45
CSR 16 [H. B. 4218]
- DEP – Air Quality Board
Emission Standards for Hazardous Air Pollutants, 45 CSR
34 [H. B. 4219]
- DEP – Air Quality Board
Control of Ozone Season Nitrogen Oxides Emissions, 45
CSR 40 [H. B. 4220]
- DEP – Mining and Reclamation
Groundwater Protection Rules for Coal Mining
Operations, 38 CSR 02F [H. B. 4221]
- DEP – Water and Waste Management
Hazardous Waste Management System, 33 CSR 20 [H. B.
4222]

- DEP – Secretary’s Office
Voluntary Remediation and Redevelopment Rule, 60 CSR
03 [H. B. 4223]
- Forestry, Division of
Sediment Control During Commercial Timber-Harvesting
Operations—Licensing, 22 CSR 02 [H. B. 4224]
- Forestry, Division of
Sediment Control During Commercial Timber-Harvesting
Operations—Logger Certification, 22 CSR 03 [H. B. 4225]
- Health and Human Resources, Department of
Primary Care Seed Money Grants, 64 CSR 71 [H. B. 4226]
- Health and Human Resources, Department of
Pilot Program for Drug Screening of Applicants for Cash
Assistance, 78 CSR 26 [H. B. 4227]
- Highways, Division of
Transportation of Hazardous Wastes Upon the Roads and
Highways, 157 CSR 07 [H. B. 4228]
- Insurance Commission
Medicare Supplement Insurance, 114 CSR 24 [H. B. 4229]
- Insurance Commission
Pharmacy Auditing Entities and Pharmacy Benefit
Managers, 114 CSR 99 [H. B. 4230]
- Labor, Department of
Supervision of Plumbing Work, 42 CSR 32 [H. B. 4231]
- Labor, Department of
Regulation of Heating, Ventilating and Cooling Work, 42
CSR 34 [H. B. 4232]
- Miner’s Health Safety and Training, Office of
Substance Abuse Screening, Standards and Procedures, 56
CSR 19 [H. B. 4233]

Miner's Health Safety and Training, Office of
Rules Governing the Certification, Recertification and
Training of EMT-Miners and the Certification of EMT-M
Instructors, 56 CSR 22 [H. B. 4234]

Motor Vehicles, Department of
State Vehicle Title, Registration and Relicensing Project of
2018, 91 CSR 24 [H. B. 4235]

Natural Resources, Division of
Commercial Whitewater Outfitters, 58 CSR 12 [H. B.
4236]

Natural Resources, Division of
Transporting and Selling Wildlife Pelts and Parts, 58 CSR
16 [H. B. 4237]

Natural Resources, Division of
Boating Rule, 58 CSR 25 [H. B. 4238]

Natural Resources, Division of
Special Requirements Concerning Boating, 58 CSR 28 [H.
B. 4239]

Natural Resources, Division of
Defining the Terms Used in All Hunting and Trapping, 58
CSR 46 [H. B. 4240]

Natural Resources, Division of
Prohibitions When Hunting and Trapping, 58 CSR 47 [H.
B. 4241]

Natural Resources, Division of
Catching and Selling Bait Fish, 58 CSR 62 [H. B. 4242]

Natural Resources, Division of
Falconry, 58 CSR 65 [H. B. 4243]

Occupational Therapy, Board of
Fees for Services Rendered by the Board, 13 CSR 03 [H.
B. 4244]

Occupational Therapy, Board of
Consideration of Prior Criminal Convictions in Initial
Licensure Determinations, 13 CSR 08 [H. B. 4245]

Pharmacy, Board of
Board of Pharmacy Rules for Immunizations Administered
by Pharmacists and Pharmacy Interns, 15 CSR 12 [H. B.
4246]

Registered Professional Nurses, Board of
Requirements for Registration and Licensure and Conduct
Constituting Professional Misconduct, 19 CSR 03 [H. B.
4247]

Respiratory Care, Board of
Consideration of Prior Criminal Convictions in Initial
Licensure Determinations, 30 CSR 10 [H. B. 4248]

State Auditor
Local Government Purchasing Card Program, 155 CSR 06
[H. B. 4249]

State Conservation Committee
State Conservation Committee Grant Program, 63 CSR 03
[H. B. 4250]

Tax Department
Payment of Taxes by Electronic Funds Transfer, 110 CSR
10F [H. B. 4251]

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:

Accountancy, Board of
Board Rules and Rules for Professional Conduct, 1 CSR 01
[H. B. 4252]

Acupuncture, Board of
Fees for the Board of Acupuncture, 32 CSR 04 [H. B. 4253]

Acupuncture, Board of
Auricular Detoxification Therapy Certificate, 32 CSR 14 [H. B. 4254]

Acupuncture, Board of
Application for Waiver of Initial Licensing Fees for Certain Individuals, 32 CSR 15 [H. B. 4255]

Acupuncture, Board of
Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 32 CSR 16 [H. B. 4256]

Administration, Department of
Financial Services Reporting, 148 CSR 24 [H. B. 4257]

Architects, Board of
Registration of Architects, 2 CSR 01 [H. B. 4258]

Architects, Board of
Fees for Registration of Architects, 2 CSR 03 [H. B. 4259]

Agriculture, Department of
Auctioneers, 61 CSR 11B [H. B. 4260]

Agriculture, Department of
Employment Reference and Inquiries and Background Checks, 61 CSR 20 [H. B. 4261]

Agriculture, Department of
Industrial Hemp, 61 CSR 29 [H. B. 4262]

Agriculture, Department of
Hemp Products, 61 CSR 30 [H. B. 4263]

Agriculture, Department of
Farmers Markets, 61 CSR 38 [H. B. 4264]

- Chiropractic Examiners, Board of
Application for Waiver of Initial Licensing Fees for
Certain Individuals, 4 CSR 07 [H. B. 4265]
- Chiropractic Examiners, Board of
Consideration of Prior Criminal Convictions in Initial
Licensure Determinations, 4 CSR 08 [H. B. 4266]
- Commerce, Department of
Small Business Innovation Research and Small Business
Technology Transfer Matching Funds Program, 145 CSR
15 [H. B. 4267]
- Counseling, Board of Examiners in
Application for Waiver of Initial Licensing Fees for
Certain Individuals, 27 CSR 13 [H. B. 4268]
- Dentistry, Board of
Dental Advertising, 5 CSR 08 [H. B. 4269]
- DEP – Air Quality Division
Control of Air Pollution from Hazardous Waste Treatment,
Storage and Disposal Facilities, 45 CSR 25 [H. B. 4270]
- Dietitians, Board of
Licensure and Renewal Requirements, 31 CSR 01 [H. B.
4271]
- Dietitians, Board of
Application for Waiver of Initial Licensing Fees for
Certain Individuals, 31 CSR 06 [H. B. 4272]
- Election Commission
Corporate and Membership Organization Political
Activity, 146 CSR 01 [H. B. 4273]
- Election Commission
Regulation of Campaign Finance, 146 CSR 03 [H. B. 4274]
- Fire Commission
State Fire Code, 87 CSR 01 [H. B. 4275]

Fire Commission

State Building Code, 87 CSR 04 [H. B. 4276]

Funeral Service Examiners, Board of

Applications for Waiver of Initial Licensing Fees for Certain Individuals, 6 CSR 05 [H. B. 4277]

Funeral Service Examiners, Board of

Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 6 CSR 06 [H. B. 4278]

Health and Human Resources, Department of

Public Water Systems, 64 CSR 03 [H. B. 4279]

Health and Human Resources, Department of

Fees for Permits, 64 CSR 30 [H. B. 4280]

Health and Human Resources, Department of

Vital Statistics, 64 CSR 32 [H. B. 4281]

Health and Human Resources, Department of

Emergency Medical Services, 64 CSR 48 [H. B. 4282]

Health and Human Resources, Department of

Primary Care Center Uncompensated Care Grants, 64 CSR 70 [H. B. 4283]

Health and Human Resources, Department of

Medical Cannabis Program—General Provisions, 64 CSR 109 [H. B. 4284]

Health and Human Resources, Department of

Medical Cannabis Program—Grower/Processor, 64 CSR 110 [H. B. 4285]

Health and Human Resources, Department of

Medical Cannabis Program—Laboratories, 64 CSR 111 [H. B. 4286]

Health and Human Resources, Department of

Medical Cannabis Program—Program Dispensaries, 64 CSR 112 [H. B. 4287]

Health and Human Resources, Department of
Medical Cannabis Program—Safe Harbor Letter, 64 CSR
113 [H. B. 4288]

Health and Human Resources, Department of
Collection and Exchange of Data Related to Overdoses, 69
CSR 14 [H. B. 4289]

Health and Human Resources, Department of
Minimum Licensing Requirements for Residential Child
Care and Treatment Facilities for Children and
Transitioning Adults in West Virginia, 78 CSR 03 [H. B.
4290]

Health and Human Resources, Department of
Qualifications for a Provisional License to Practice as a
Social Worker Within the Department of Health and
Human Resources, 78 CSR 24 [H. B. 4291]

Health Care Authority
Critical Access Hospitals, 65 CSR 09 [H. B. 4292]

Hearing Aid Dealers, Board of
Applications for Waiver of Initial Licensing Fees for
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- Physical Therapy, Board of
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- Physical Therapy, Board of
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- Physical Therapy, Board of
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- Professional Engineers, Board of
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- Psychologists, Board of
Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 17 CSR 07 [H. B. 4329]
- Public Defender Services
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Racing Commission

Thoroughbred Racing, 178 CSR 1 [H. B. 4331]

Real Estate Appraiser Licensing and Certification Board

Requirements for Licensure and Certification, 190 CSR 02
[H. B. 4332]

Real Estate Commission

Application for Waiver of Initial Licensing Fees for
Certain Individuals, 174 CSR 06 [H. B. 4333]

Real Estate Commission

Consideration of Prior Criminal Convictions in Initial
License Eligibility Determinations, 174 CSR 07 [H. B.
4334]

Registered Professional Nurses, Board of

Application for Waiver of Initial Licensing Fees for
Certain Individuals, 19 CSR 15 [H. B. 4335]

Respiratory Care, Board of

Establishment of Fees, 30 CSR 02 [H. B. 4336]

Respiratory Care, Board of

Student Limited Permit, 30 CSR 09 [H. B. 4337]

Sanitarians, Board of

Application for Waiver of Initial Licensing Fees for
Certain Individuals, 20 CSR 05 [H. B. 4338]

Social Work, Board of

Qualifications for the Profession of Social Work, 25 CSR
01 [H. B. 4339]

Social Work, Board of

Fee Schedule, 25 CSR 03 [H. B. 4340]

Speech-Language Pathology and Audiology, Board of

Licensure of Speech-Pathology and Audiology, 29 CSR 01
[H. B. 4341]

Speech-Language Pathology and Audiology, Board of
Disciplinary and Complaint Procedures for Speech-
Language Pathology and Audiology, 29 CSR 04 [H. B.
4342]

Tax Department

Consumer Sales and Service Tax and Use Tax - Drugs,
Durable Medical Goods, Mobility Enhancing Equipment
and Prosthetic Devices Per Se Exemption; Motor Vehicles
Per Se Exemption, 110 CSR 15C [H. B. 4343]

Tax Department

Exchange of Information Pursuant to Written Agreement,
110 CSR 50C [H. B. 4344]

Veterinary Medicine, Board of

Organization and Operation and Licensing of
Veterinarians, 26 CSR 01 [H. B. 4345]

Veterinary Medicine, Board of

Registration of Veterinary Technicians, 26 CSR 03 [H. B.
4346]

The Committee submits the following legislative rule which was modified by the agency in accordance with the provisions of West Virginia Code, §29A-3-14, and which was approved by the Committee with the modifications and with the recommendation that the proposed rule be authorized for adoption by the agency with amendments:

Veterinary Medicine, Board of

Schedule of Fees, 26 CSR 06 [H. B. 4347]

The Committee submits the following legislative rule which was approved by the Committee in accordance with the provisions of West Virginia Code, §29A-3-11, with the recommendation that the proposed rule be authorized for promulgation by the respective agency with amendments:

DEP—Mining and Reclamation

West Virginia Surface Mining Reclamation Rule, 38 CSR
02 [H. B. 4348]

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 its title and referred to the Committee on Government Organization then Rules:

S. C. R. 2 – “Requesting the citizens of Frederick County, Virginia, to consider becoming a part of the State of West Virginia.”

Whereas, Frederick County, Virginia, was formed in 1743, and Hampshire County, Virginia, was formed in 1754. Most of what was originally Hampshire County, when it was formed in 1754, was territory that had been part of Frederick County. Berkeley County, Virginia, was formed from Frederick County in 1772; and

Whereas, The counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy and Grant counties in the State of West Virginia all contain territory that was once part of Frederick County, Virginia, such that Frederick County, Virginia, may truly be regarded as the mother of all seven of these West Virginia counties; and

Whereas, In addition to the historical connections between Frederick County, Virginia, and the seven counties in West Virginia, which are her children, there have always existed strong familial ties between and among the inhabitants of those counties, as well as ties of commerce, business, religion, education, arts, society, politics, travel, recreation, and connections of every possible kind. There remain, as there have always been, feelings of deep affection for Frederick County and for her inhabitants by and among the citizens of West Virginia, and in particular by and among the citizens of those counties in West Virginia which may be regarded as the children of Frederick County. In 1862, when the government of Virginia, meeting in Wheeling, took up the question of the formation of a new state, Frederick County was among those counties which were regarded as having a natural place within the

new state. So strong was the desire to have Frederick County join the new state that the opportunity for her to do that was specifically provided for by an Act of the Legislature; and

Whereas, The Act of the Legislature of Virginia, passed May 13, 1862, giving the consent of the State of Virginia to the formation of the new State of West Virginia, provided as follows:

That the consent of the legislature of Virginia be, and the same is hereby, given that the counties of Berkeley, Jefferson, and Frederick shall be included in and form part of the State of West Virginia, whenever the voters of said counties shall ratify and assent to said constitution, at an election held for the purpose, at such time and under such regulations as the commissioners, named in said schedule, may prescribe; and

Whereas, Although the citizens of the counties of Berkeley and Jefferson thereafter voted to join the new state, the citizens of Frederick County have not yet done so; and

Whereas, By its decision in the case of *State of Virginia v. State of West Virginia*, 78 U.S. 39, 20 L.Ed.67, 11 Wall. 39 (1870), the United States Supreme Court recognized that the opportunity for Frederick County, Virginia, to transfer to and join the new State of West Virginia, was lawfully and permanently reserved unto her by the actions of Virginia and by the Congress of the United States, to be exercised whenever the voters of Frederick County might vote to join the new State of West Virginia, to-wit:

“The State of Virginia, in the ordinance which originated the formation of the new State, recognized something peculiar in the condition of these two counties, and some others. It gave them the option of sending delegates to the constitutional convention and gave that convention the option to receive them. For some reason not developed in the legislative history of the matter these counties took no action on the subject. The convention, willing to accept them, and hoping they might still express their wish to come in, made provision in the new constitution that they might do so, and for their place in the legislative bodies, and in the judicial system, and inserted a general proposition for accession of territory to the

new State. The State of Virginia, in expressing her satisfaction with the new State and its constitution, and her consent to its formation, by a special section, refers again to the counties of Berkeley, Jefferson, and *Frederick*, and enacts that whenever they shall, by a majority vote, assent to the constitution of the new State, they may become part thereof; and the legislature sends this statute to Congress with a request that it will admit the new State into the Union. Now, we have here, on two different occasions, the emphatic legislative proposition of Virginia that these counties might become part of West Virginia; and we have the Constitution of West Virginia agreeing to accept them and providing for their place in the new-born State. There was one condition, however, imposed by Virginia to her parting with them, and one condition made by West Virginia to her receiving them, and that was the same, namely, the assent of the majority of the votes of the counties to the transfer. It seems to us that here was an agreement between the old State and the new that these counties should become part of the latter, subject to that condition alone. Up to this time no vote had been taken in these counties; probably none could be taken under any but a hostile government. At all events, the bill alleges that none was taken on the proposition of May 1862, of the Virginia legislature. If an agreement means the mutual consent of the parties to a given proposition, this was an agreement between these States for the transfer of these counties on the condition named. The condition was one which could be ascertained or carried out at any time; and this was clearly the idea of Virginia when she declared that *whenever* the voters of said counties should ratify and consent to the Constitution they should become part of the State; and her subsequent legislation making special provision for taking the vote on this subject, as shown by the acts of January 31st and February 4th, 1863, is in perfect accord with this idea, and shows her good faith in carrying into effect the agreement. But did Congress consent to this agreement? Unless it can be shown that the consent of Congress, under that clause of the Constitution which forbids agreements between States without it, can only be given in the form of an express and formal statement of every proposition of the agreement, and of its consent thereto, we must hold that the consent of that body was given to this agreement. The attention of Congress was called to the subject by the very short statute of the State of

Virginia requesting the admission of the new State into the Union, consisting of but three sections, one of which was entirely devoted to giving consent that these two counties *and the county of Frederick* might accompany the others, if they desired to do so.”; and

Whereas, With Frederick County, Virginia, in mind, Article VI, Section 11 of the West Virginia Constitution provides the mechanism for Frederick County to become part of the State of West Virginia, providing as follows:

“Additional territory may be admitted into, and become part of this state, with the consent of the Legislature and a majority of the qualified voters of the state, voting on the question. And in such case provision shall be made by law for the representation thereof in the Senate and House of Delegates, in conformity with the principles set forth in this constitution. And the number of members of which each house of the Legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory”; and

Whereas, Upon joining the State of West Virginia, the citizens of Frederick County would be immediately entitled to all of the rights secured and protected by the West Virginia Constitution to the citizens of West Virginia, including not only the rights of free speech, freedom of the press, religious freedom, the right of peaceful assembly, the right to due process of law, but also the right to keep and bear arms without interference by the government; and

Whereas, Upon joining the State of West Virginia, Frederick County, including the City of Winchester, contained therein, would be immediately entitled to at least six delegates in the West Virginia House of Delegates and two senators in the West Virginia Senate; and

Whereas, From the time of the admission of the State of West Virginia into the Union, the counties which are the children of Frederick County, and the citizens of those counties, have pined for reunion with their mother county and prayed that she might join them in the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the citizens of Frederick County, Virginia, consider becoming a part of the State of West Virginia; and; be it

Further Resolved, That on behalf of the citizens of West Virginia, the Legislature of West Virginia does hereby remind the citizens and government of Frederick County, Virginia, of the invitation that was extended more than a century and a half ago, inviting Frederick County, Virginia to join the new State of West Virginia; and, be it

Further Resolved, That on behalf of the citizens of West Virginia, the Legislature of West Virginia assures the citizens and government of Frederick County, Virginia that the invitation extended in 1862 still stands, and that it stands as it was made, with the sincere and earnest hope of all of West Virginia that the invitation will one day be accepted by the citizens of Frederick County; and, be it

Further Resolved, That the 158 years which have elapsed since this invitation was first extended have not diminished the feelings of deep affection in which Frederick County and her citizens are held by the citizens of West Virginia; and, be it

Further Resolved, That at such time as the citizens of Frederick County may desire for Frederick County to become part of the State of West Virginia, the citizens of the Mountain State will welcome them with open arms and rejoice in the addition of Frederick County to the State of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Board of Supervisors of Frederick County, Virginia.

Resolutions Introduced

Delegates Miller, Maynard and Tomblin 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 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’.”

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, U. S. Navy Machinist’s Mate Carl Eugene 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, Carl E. 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, Carl E. Keeney passed away on June 29, 2018; and

Whereas, Frank Keeney was born to Dewey and Ruth Skeens Keeney on June 10, 1927, in Seth, West Virginia; and 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, U. S. Navy Seaman First Class Frank 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, Frank Keeney began an athletic career in the minor league baseball farm system where he earned the nick-name “Fireball”, of the Cleveland Indians until his retirement and continued with the organization by being a 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, Frank 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 coal fields of southern West Virginia; and

Whereas, U. S. Army PFC Carl M. 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, 12th Infantry Regiment, 4th 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, U. S. Army 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, U. S. Army PFC Carl M. 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, Carl M. Nicholas passed away on September 3, 2014; and

Whereas, Recognizing that both U. S. Navy Machinist's Mate Carl Eugene Keeney, U. S. Navy SN1 Frank Keeney and U. S. Army 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 memory; 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 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. 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.

Delegates Howell, Summers, Shott, Householder and C. Martin offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 8 - "Providing for an election to be had, pending approval of the General Assembly of the Commonwealth of Virginia, and a majority of qualified citizens voting upon the proposition prior to August 1, 2020, for the admission of certain counties and independent cities of the Commonwealth of Virginia to be admitted to the State of West Virginia as constituent counties, under the provisions of Article VI, Section 11 of the Constitution of West Virginia."

Whereas, The Legislature of West Virginia finds that in 1863, due to longstanding perceived attitudes of neglect for the interests of the citizens of Western Virginia, and a studied failure to address the differences which had grown between the counties of Western Virginia and the government at Richmond, the Commonwealth of Virginia was irretrievably divided, and the new State of West Virginia was formed; and

Whereas, Such division occurred as the Trans-Allegheny portions of Virginia perceived that they suffered under an inequitable measure of taxation by which they bore a disproportionate share of the tax burden; and

Whereas, That this perception was further compounded by the effects of a scheme of representation by which Trans-Allegheny Virginia was not allowed to have its proper and equitable share of representation in the government at Richmond; and

Whereas, That this arrangement arguably resulted in the tax dollars of Trans-Allegheny Virginia being used to enrich the Tidewater through internal improvements which did not benefit the people of Western Virginia, while the people of the Trans-Allegheny had little to no say in how their tax dollars were allocated; and

Whereas, Though this course led to an irreconcilable division, and the subsequent formation of West Virginia, yet, the longstanding peaceful cooperation between this State and the Commonwealth of Virginia is a sign that such separation, undertaken even under the most challenging and onerous of circumstances, can, with the passage of time, yield lasting results which are beneficial to both sides; and

Whereas, In the intervening years, the same neglect for the interests of many of the remaining counties of the Commonwealth of Virginia has allegedly been evidenced by the government at Richmond; and

Whereas, Particularly, many citizens of the Southside, the Shenandoah Valley, Southwestern Virginia, and the Piedmont

contend that an inequitable measure of taxation exists by which they bear a disproportionate share of the present tax burden of the Commonwealth; and

Whereas, The people of the Southside, the Shenandoah Valley, Southwestern Virginia, and the Piedmont also believe that, currently, a scheme of representation exists by which the citizens of Southside, the Shenandoah Valley, Southwestern Virginia, and the Piedmont do not have a proper share of representation in the government at Richmond; and, consequently

Whereas, The people of the Southside, the Shenandoah Valley, Southwestern Virginia, and the Piedmont believe that their tax dollars are used to enrich the Tidewater and Northern Virginia through internal improvements which do not benefit the people of these other parts of Virginia, while the people of these other parts of Virginia have little to no say in how their tax dollars are allocated; and

Whereas, In recent days, these tensions have been compounded by a perception of contempt on the part of the government at Richmond for the differences in certain fundamental political and societal principles which prevail between the varied counties and cities of that Commonwealth; and

Whereas, In the latest, and most evident, in this string of grievances, the government at Richmond now seeks to place intolerable restraints upon the rights guaranteed under the Second Amendment of the United States Constitution to the citizens of that Commonwealth; and

Whereas, The Legislative body of West Virginia believes that this latest action defies the wise counsel which has come down to us in the august words of our common Virginia Founders: as the government at Richmond now repudiates the counsel of that tribune of liberty, Patrick Henry—who stated to the Virginia Ratifying Convention in 1788 that “The great object is that every man be armed. Everyone who is able might have a gun”; and

Whereas, The government at Richmond now repudiates the counsel of a Signer of the Declaration and premier advocate of American independence, Richard Henry Lee—who stated in *The Federal Farmer* that ‘To preserve liberty, it is essential that the whole body of the people always possess arms’; and

Whereas, The government at Richmond now repudiates the counsel of that zealous guardian of our inherent rights, George Mason—who stated that “To disarm the people...[i]s the most effectual way to enslave them”; and

Whereas, The government at Richmond now repudiates the counsel of the declaimer of our independence and theoretician of our freedoms, Thomas Jefferson—who stated in his first draft of the Virginia Constitution, that ‘No free man shall ever be debarred the use of arms’; and

Whereas, The Boards of Supervisors of many Virginia counties and the Councils of many Virginia cities have recognized this dangerous departure from the doctrine of the Founders on the part of the government at Richmond; and

Whereas, These Boards of Supervisors and Councils have passed resolutions refusing to countenance what they affirm are unwarranted and unconstitutional measures by that government to infringe the firearm rights of Virginians; and

Whereas, The actions of the government at Richmond undertaken since the recent general election have, regrettably, resulted in unproductive contention and escalating a lamentable state of civic tension; and

Whereas, That, as has been proven in numerous instances, such as have been observed internationally in more recent times with the peaceful dissolutions of Czechoslovakia and the Soviet Union, and the creation of South Sudan, or, earlier in Virginia’s own history, with the formation of Kentucky, the peaceful partition of neighboring peoples can occur, and, is often very beneficial to both sides in reducing tensions and improving the tenor of discourse over ongoing political and societal differences; and

Whereas, Article VI, Section 11 of The Constitution of the State of West Virginia explicitly permits additional territory to be admitted into, and become part of this state, with the consent of the Legislature and of a majority of the qualified voters of the state; and

Whereas, In a spirit of conciliation, the Legislature of West Virginia hereby extends an invitation to our fellow Virginians who wish to do so, to join us in our noble experiment of 156 years of separation from the government at Richmond; and, we extend an invitation to any constituent county or city of the Commonwealth of Virginia to be admitted to the body politic of the State of West Virginia, under the conditions set forth in our state Constitution, specifically, with the consent of a majority of the voters of such county or city voting upon such proposition; and we hereby covenant that their many grievances shall be addressed, and, we further covenant with them that their firearms rights shall be protected to the fullest extent possible under our Federal and State Constitutions; and

Whereas, Providing that the General Assembly of the Commonwealth of Virginia shall give its assent to any county or independent city presently part of the Commonwealth of Virginia having the opportunity and ability to do so, therefore, be it

Resolved by the Legislature of West Virginia:

That the question of admission, or, the rejection of such admission, of any county or independent city of the Commonwealth of Virginia desiring admission to the State of West Virginia, and a majority of whose qualified voters, voting on the question, have approved such measure, prior to August 1, 2020, shall be submitted to the voters of the State of West Virginia at the next general election to be held in the year 2020.

Such proposal shall be placed upon the general election ballot in the following form: “Shall the following county (or independent city) _____(name), currently a constituent part of the Commonwealth of Virginia, be admitted to the State of West Virginia as a constituent county of the State of West Virginia.”

Should the General Assembly of the Commonwealth of Virginia give its assent to any county or independent city presently part of the Commonwealth of Virginia having the opportunity to do so, and such county or independent city desiring admission to the State of West Virginia, and a majority of whose qualified voters, voting on the question, not have approved such measure prior to August 1, 2020, but do approve such measure at a later date;

Then, this provision of this Act shall serve as an official request of the Legislature of West Virginia to the Governor of West Virginia to call a special session of this Legislature to provide for a special election to provide for the approval of the admission, or, the rejection of such admission, of such county or independent city; and, be it

Further Resolved, That the Legislature directs that the Clerk of the House forward copies of this resolution to the Board of Supervisors of each county in the Commonwealth of Virginia who have voted to become sanctuary counties for firearms rights, and to the Council of each independent city in the Commonwealth of Virginia who have voted to become sanctuary cities for firearms rights; and, be it

Further Resolved, That the Legislature directs that the Clerk of the House forward copies of this resolution to the Clerk of the House of Delegates and Clerk of the Senate of the General Assembly of the Commonwealth of Virginia and requests, in a spirit of peace and goodwill, that the General Assembly will allow this measure for the peaceful transfer of peoples and the restoration of harmony to the Virginias; and, further requests, in a continuance of such spirit, that any firearms legislation proposed by that body have an effective date far enough into the future so that this exchange of peoples and territory could be accomplished before the effective date of such legislation.

Delegates Howell, Phillips, D. Jeffries, C. Martin, Dean, P. Martin, Graves, McGeehan, Butler, Hamrick and Linville offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 9 - “Urging the Congress of the United States to consider repealing the Jones Act to permit short sea shipping and useful United States waterways when shipping goods domestically.”

Whereas, The Jones Act, passed in 1920, restricts domestic waterborne transport of goods to vessels that are United States flagged, United States crewed, United States Owned, and United States built; and

Whereas, The requirements of the Jones Act increases the cost to purchase, staff, and maintain shipping vessels. The high costs of constructing shipping vessels in the United States increases the average age of United States shipping fleet, increases fuel costs due to age, increases maintenance costs due to age, and increases staffing costs due to age and lack of automation; and

Whereas, The high costs associated with the Jones Act has many domestic businesses utilizing the nations highway and rail systems in order to transport goods to various markets, leading to increased wear and tear on the nations roadways and railways, increased maintenance costs on roadways and railways, increased fuel consumption, and may cause increased vehicle congestion on the nations roadways; and

Whereas, Repealing the Jones Act would allow the nations waterways to be utilized to ship goods to ports ready to receive goods to transport to markets; and

Whereas, Repealing the Jones Act would allow domestic businesses to realize cost savings by utilizing the nations waterways as a safer and easier method of transporting goods to market, would reduce the amount of vehicles on the nations highways, and would permit goods to arrive to markets in a more timely fashion; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to consider repealing the Jones Act; 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 Hartman, N. Brown, Boggs, C. Thompson, Sponaugle and Summers 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 42-39-0.67 (42A092), locally known as Mill Creek Box Beam Bridge, carrying County Route 39 over the Tygart Valley River in Randolph County, the 'U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge'."

Whereas, Sergeant Defibaugh was born on August 31, 1936, in Elkins, West Virginia. He was a lifelong resident of Randolph County and attended Tygarts Valley High School; and

Whereas, Sergeant Defibaugh served in the 82nd and 101st Airborne Division in the United States Army; and

Whereas, Upon returning home from military service, Sergeant Defibaugh began farming, and on February 18, 1956, he married Shirley Scott. On April 29, 1968, they started a small restaurant business called the Mill Creek Drive Inn. Soon thereafter they opened two more small businesses in Mill Creek called Bob's Mini Mart and Valley View Motel. These businesses have been passed down and have been family owned and operated for over 50 years; and

Whereas, Sergeant Defibaugh also served his community as a Mill Creek Town Councilman for several terms. He loved dirt track racing and raced on several dirt tracks around the state. Sergeant and Mrs. Defibaugh opened a dirt track in 1986 in Mill Creek called the Upper Valley Raceway. He was inducted into the Elkins Raceway Wall of Legends in 2018; and

Whereas, Sergeant and Mrs. Defibaugh had 6 children, 13 grandchildren, and 23 great-grandchildren. He retired from the

Randolph County school system as a bus driver, and routinely drove his bus across this very bridge to pick up students. Sergeant Defibaugh's life and legacy reflects hard work, love, and service to not only his family but his community and country. He passed away on August 21, 2000; and

Whereas, For these reasons it is fitting and proper that the bridge be named in honor of Sergeant Defibaugh; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-39-0.67 (42A092), locally known as Mill Creek Box Beam Bridge, carrying County Route 39 over the Tygart Valley River in Randolph County, the "U. S. Army SGT Robert R. 'Bob' Defibaugh Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Army SGT Robert R. 'Bob' Defibaugh 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 J. Jeffries, Cadle, Kump, Worrell, Phillips, Maynard, Hardy and Howell:

H. J. R. 105 - "Proposing an amendment to the Constitution of the State of West Virginia amending article VI by adding thereto a new section, designated §32A, relating the vote needed to raise a tax or increase a fee; 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 J. Jeffries, D. Jeffries, Jennings, Cadle and Maynard:

H. B. 4153 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §18-2-7e, relating to sexuality; forbidding displays relating to sexuality in public school facilities and forbidding the teaching of sexuality in public schools"; to the Committee on Education.

By Delegates J. Jeffries, Maynard, Wilson, Hardy and Foster:

H. B. 4154 - "A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; providing for election and removal of commissioners; setting terms of office for elected commissioners; removing the requirement that at least one commissioner be an attorney; and removing the prohibition that no more than two commissioners be from the same political party"; to the Committee on Government Organization then the Judiciary.

By Delegates Jennings, Foster, Kessinger, Hardy, Bibby, Cowles, Sypolt and Steele:

H. B. 4155 - "A Bill to amend and reenact §21-14-2 and §21-14-3 of the Code of West Virginia, 1931, as amended, all relating generally to the regulation of plumbers; exempting individuals who perform plumbing work under \$5,000 from being a licensed plumber; and reducing the number of hours of plumbing work experience in order for an individual to be considered a 'journeyman plumber,' a 'master plumber,' and a 'plumber in training'; to the Committee on Government Organization.

By Delegates Jennings and Foster:

H. B. 4156 - "A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to reducing the recertification fee for emergency medical services personnel"; to

the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates D. Jeffries, Tomblin, Azinger, Porterfield, J. Jeffries, Worrell, Hott, Cadle, Sypolt, Barnhart and Hamrick:

H. B. 4157 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local government; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications”; to the Committee on Government Organization.

By Delegates Cadle, Hott, C. Martin, Phillips, Howell, Cooper, J. Jeffries, Westfall, Foster, Staggers and Householder:

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

By Delegates Criss, Espinosa, Ellington, Barrett, Bates, Graves, Sponaugle, Williams, Linville, Cowles and Hardy:

H. B. 4159 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §19-2-12, and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-8-2, §60-8-3, and §60-8-4 of said code; and to add a new article to said code designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, §60-8A-6, and §60-8A-7; all relating to the manufacture and sale of hard cider; establishing the Agriculture Development Fund; establishing permitted expenditures from the fund; creating a new program to develop

hard cider; providing for definitions; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of growlers; establishing growler labeling requirements; establishing growler sanitation requirements; providing for fees for the privilege to sell growlers; and providing for rule-making authority"; to the Committee on Government Organization then the Judiciary.

By Delegates Hansen, Stagers, Lavender-Bowe, Estep-Burton, Fleischauer, Rowe, S. Brown, Angelucci and Pyles:

H. B. 4160 - "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, §47-28-4, §47-28-5, and §47-28-6, 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 Delegate Worrell:

H. B. 4161 - "A Bill to amend and reenact §16-38-1 and §16-38-3 of the Code of West Virginia, 1931, as amended, all relating to tattoos; making it illegal to scleral tattoo a person; defining the term 'scleral tattoo;' and reordering definitions so they will be in alphabetical order"; to the Committee on Health and Human Resources.

By Delegates Hansen, Pushkin, Estep-Burton, Pyles, Williams, Fleischauer, Walker and Summers:

H. B. 4162 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g;

to amend said code by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune encephalopathies, including, but not limited to, intravenous immunoglobulin therapy, plasmapheresis, and other therapies and medications consistent with evidence-based treatment guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology and nationally recognized expert consensus guidelines”; to the Committee on Health and Human Resources then Finance.

By Delegates Hansen, Caputo, Pyles, Williams, Zukoff, Doyle, Pushkin, Walker, Lavender-Bowe, C. Thompson and Estep-Burton:

H. B. 4163 - “A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles”; to the Committee on Finance.

By Delegates Hanna, Hamrick, Jennings and Butler:

H. B. 4164 - “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 Delegates Hanna, Higginbotham, Jennings, Bibby and Waxman:

H. B. 4165 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2A-8a, relating to public education; establishing the West Virginia

Remembers Program; and authorizing the State Board of Education to promulgate a rule providing for maintaining of lists by county boards of veteran volunteers to speak in the public schools”; to the Committee on Education.

By Delegates Foster, Phillips, Bibby, Steele, Butler, Waxman, Espinosa, Porterfield, Kessinger, Lovejoy and Bartlett:

H. B. 4166 - “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 Miley and Queen:

H. B. 4167 - “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 J. Jeffries, Hanna, Phillips, Butler, Cadle, Paynter, Bibby, D. Jeffries, Maynard and Dean:

H. B. 4168 - “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, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be against the rights of the people and to be legally void; declaring the duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorneys’ fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law”; to the Committee on the Judiciary.

By Delegates Anderson, Barnhart, Cadle, Hartman and Hott:

H. B. 4169 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to the protection of animal and crop facilities; providing definitions; describing prohibited acts; listing criminal penalties; establishing liability in double the amount of damages caused; and allowing injunctive relief and listing the terms thereof”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Cowles, Hott, Rowan, D. Kelly, Worrell, Miller, Hill, Hardy, Lovejoy, Canestraro and Barrett:

H. B. 4170 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to granting state police troopers a pay increase”; to the Committee on Finance.

By Delegates Canestraro, Kessinger, Skaff, Lovejoy, Worrell, Queen and Robinson:

H. B. 4171 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the assignment of certain benefits in dental care insurance coverage”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Hansen, Fleischauer, Evans, Pushkin, Miley, Hanna, Miller and Byrd:

H. B. 4172 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to the Modern Jobs Act, providing for solar energy production on formerly mined land and access to third party co-generation”; to the Committee on Energy then the Judiciary.

By Delegates Pushkin, Estep-Burton, Zukoff, Walker, Robinson, Kessinger, Steele, Capito, Byrd, Nelson and Rowe:

H. B. 4173 - “A Bill to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended, relating to directing the

Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County”; to the Committee on the Judiciary.

By Delegates Howell, Householder, C. Martin, Foster, Hanna, Phillips, Hamrick, Wilson, Hott, Barnhart and P. Martin:

H. B. 4174 - “A Bill to amend and reenact §60-2-16 of the Code of West Virginia, 1931, as amended, relating to expiring rules of the Alcohol Beverage Control Commission; and requiring the commission to resubmit rules for approval during the 2021 regular session”; to the Committee on Government Organization.

By Delegates Sypolt, Toney, Fast, Little, Linville, Bartlett, J. Jeffries, Hott, P. Martin, Worrell and Phillips:

H. B. 4175 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to providing reasonable medical care to a child born alive during an abortion”; to the Committee on Health and Human Resources.

By Delegates Miller, Hanshaw (Mr. Speaker), Miley, Shott, D. Kelly, Kessinger, Canestraro and Lovejoy:

H. B. 4176 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, establishing the West Virginia Intelligence/Fusion Center Act”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Miller, Higginbotham, D. Kelly, Lovejoy, Lavender-Bowe and Hansen:

H. B. 4177 - “A Bill to amend and reenact §11A-1-12 of the Code of West Virginia, 1931, as amended, relating to allowing sheriffs to keep electronic copies of receipts for the payment of taxes”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Miller, Lovejoy, Lavender-Bowe, D. Kelly, Hansen and S. Brown:

H. B. 4178 - “A Bill to amend and reenact §24-6-13 of the Code of West Virginia, 1931, as amended, relating to requiring calls which are recorded be maintained for a period of five years”; to the Committee on Government Organization.

to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Maynard, Jennings, Bibby, Campbell, J. Jeffries, Lovejoy, Miller, Pack, Sypolt and Worrell:

H. B. 4179 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, 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 Government Organization.

By Delegates Anderson, Cadle, Hartman and Hott:

H. B. 4180 - “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 the seed certification program within the Department of Agriculture; defining terms; adding flower seed requirements; adding labeling requirements for seed; authorizing legislative rules for penalties; requiring quarterly tonnage fees for seed; requiring record retention; authorizing relabeling; providing labeling requirements; authorizing inspections of seed conditioning facilities; and providing for penalties for labeling deficiencies”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Hamrick, Porterfield, Cadle and Sypolt:

H. B. 4181 - “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 §30-11-1, §30-11-2, §30-11-3, §30-11-4, §30-11-5, §30-11-6, §30-11-7, §30-11-8, §30-11-9, §30-11-10, §30-11-10a, §30-11-11, §30-11-12, §30-11-13, §30-11-14, §30-11-15, §30-11-16, §30-11-17, §30-11-18, and

§30-11-19, all relating to moving provisions relating to the licensing of contractors to Chapter 30 of this code; updating archaic language; correcting cross-references; and making no substantive changes to any of these sections”; to the Committee on Government Organization.

By Delegate D. Jeffries:

H. B. 4182 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, and §15-1L-5; and to amend and reenact §15-5-1, §15-5-2, and §15-5-3 of said code, all relating to the West Virginia Division of Homeland Security and Emergency Management; providing for legislative findings; providing for definitions; establishing the West Virginia Civil Authority; providing West Virginia Division of Homeland Security and Emergency Management to have authority over the West Virginia Civil Authority; establishing the powers and duties over the authority; providing for the authority to hire and administer employees; providing for conditions of employment for employees; providing that employees are entitled to participate in health and welfare plans, state retirement plans, and workers compensation and unemployment programs as a benefit of employment; providing that the West Virginia Division of Homeland Security and Emergency Management coordinate efforts with the office of the Governor; providing for altered definitions; and providing that the West Virginia Division of Homeland Security and Emergency Management is continued under the office of the Governor”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Foster, Waxman, Jennings, Cadle, Bibby, Hardy and Porterfield:

H. B. 4183 - “A Bill to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-49, 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 Foster, Waxman, Jennings, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger, Fast and J. Kelly:

H. B. 4184 - “A Bill to amend and reenact §61-3B-2 and §61-3b-3 of the Code of West Virginia, 1931, as amended, all relating to criminal trespass”; to the Committee on the Judiciary.

By Delegates Foster, Waxman, Jennings, Sypolt, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger and Fast:

H. B. 4185 - “A Bill to amend and reenact §29-3B-3 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure as an electrician a person who installs low voltage electrical wiring”; to the Committee on Government Organization.

By Delegates Foster, Bibby, Steele, Cadle, Wilson, J. Jeffries, Storch, S. Brown, Pushkin, Fluharty and Robinson:

H. B. 4186 - “A Bill to amend and reenact §21-1D-2 of the Code of West Virginia, 1931, as amended, relating to removing marijuana as a tested substance from the screening requirements of the West Virginia Alcohol and Drug-Free Workplace Act”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Foster, Jennings, Sypolt, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger, D. Jeffries and Azinger:

H. B. 4187 - “A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code; all relating to licensure qualifications; removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decision making; providing criteria for the State Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the State Fire Marshal as to whether a person’s criminal records precludes licensure; and reducing the number of necessary hours as a

qualification for licensure”; to the Committee on Government Organization.

By Delegates Foster, Waxman, Jennings, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger, D. Kelly and J. Jeffries:

H. B. 4188 - “A Bill to amend and reenact §30-27-10 of the Code of West Virginia, 1931, as amended, relating to removing the requirement of continuing education for barbers and cosmetologists”; to the Committee on Government Organization.

By Delegates Capito and Nelson:

H. B. 4189 - “A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating generally to the payment of salary or wages under the Parental Leave Act”; to the Committee on the Judiciary then Finance.

By Delegate Canestraro:

H. B. 4190 - “A Bill to amend and reenact §11-22-1 of the Code of West Virginia, 1931, as amended, relating to definitions in excise tax on privilege of transferring real property”; to the Committee on Finance.

By Delegates Steele, Fluharty, Westfall, Barrett, Byrd and Williams:

H. B. 4191 - “A Bill to amend and reenact §29-22D-2, §29-22D-3, §29-22D-5, §29-22D-7, §29-22D-8, §29-22D-11, §29-22D-12, §29-22D-16, §29-22D-17, §29-22D-20, §29-22D-21, and §29-22D-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §29-22D-6a and §29-22D-15a, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities; providing legislative findings; defining terms; establishing license requirements and prohibitions; adopting house rules and the posting of the same; defining duties of a social sports wagering operator conducting social sports wagering; requiring the posting of betting limits; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the

West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; and preempting this article from state and local law”; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4192 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7 and §33-53-8, all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain; requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; and requiring the Insurance Commissioner to provide reports to the Joint Committee on Banking and Insurance regarding the activities

pertaining to insurance innovation applications”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Pyles:

H. B. 4193 - “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 Delegate Pyles:

H. B. 4194 - “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 Technology and Infrastructure then Finance.

By Delegate Pyles:

H. B. 4195 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2 and §19-38-3; 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 Delegate Pyles:

H. B. 4196 - “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 Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Pyles:

H. B. 4197 - “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; providing for definitions; providing for authorization of jurisdiction; establishing a requirement for a court to create a policy for records; requiring a court to create policies and procedures for key components of veterans treatment courts; providing for certain conditions where additional policies and procedures may be adopted by the court; establishing eligibility criteria to participate in the court; establishing a participation agreement; providing that victims of domestic abuse have all rights as provided by law; providing for modification or alteration of treatment under certain conditions; providing for dismissal of the charge under certain conditions; providing for access to records; providing for a liberal construction; establishing that there is no right to participate in the veterans treatment court; establishing the relation to the Electronic Signature Act; and providing for severability”; to the Committee on the Judiciary then Finance.

By Delegate Pyles:

H. B. 4198 - “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.

By Delegate Pyles:

H. B. 4199 - “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 rulemaking”; to the Committee on the Judiciary then Finance.

By Delegate Pyles:

H. B. 4200 - “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 Pyles:

H. B. 4201 - “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 Estep-Burton, Robinson, Rowe, Pushkin, Walker, Diserio, Lavender-Bowe, Caputo, C. Thompson and Angelucci:

H. B. 4202 - “A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to allowing a personal income tax deduction for a stillborn child”; to the Committee on Finance.

By Delegates Estep-Burton, Robinson, Rowe, Pushkin, Sponaugle, Lavender-Bowe, Caputo, Miley, C. Thompson, Hansen and Pyles:

H. B. 4203 - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to prohibiting

charging your campaign interest for personal loans to your campaign”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4204 - “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 rules for the general administration of records managements and preservation”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4205 - “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 rules for retention and disposal scheduling”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4206 - “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 rules for the managements of records maintained by the records center”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4207 - “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 exemptions from management services provided by the fleet management division”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4208 - “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 Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4209 - “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 fresh food act”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4210 - “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 poultry rules for hatcheries, growers and contractors pertaining to poultry disease control and eradication”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4211 - “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 grade ‘A’ pasteurized milk”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4212 - “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 WV manufacture-grade milk”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4213 - “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 WV exempted dairy farms and milk and milk products processing rules”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4214 - “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 West Virginia spay neuter assistance program”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4215 - “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 Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4216 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to rule for the West Virginia Board of Dental Examiners”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4217 - “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. 4218 - “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. 4219 - “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. 4220 - “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 ozone season nitrogen oxides emissions”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4221 - “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 groundwater protection rules for coal mining operations”; to the Committee on Energy then the Judiciary.

By Delegate Foster:

H. B. 4222 - “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 hazardous waste management system”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4223 - “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 voluntary remediation and redevelopment rule”; to the Committee on Energy then the Judiciary.

By Delegate Foster:

H. B. 4224 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations-licensing”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4225 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations-logger certification”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4226 - “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 primary care seed money grants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4227 - “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 pilot program for drug screening of applicants for cash assistance”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4228 - “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 transportation of hazardous wastes upon the roads and highways”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4229 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to Medicare supplement insurance”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Foster:

H. B. 4230 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4231 - “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 supervision of plumbing work”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4232 - “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 Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4233 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miner's Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards and procedures”; to the Committee on Energy then the Judiciary.

By Delegate Foster:

H. B. 4234 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miner's Health, Safety and Training to promulgate a legislative rule relating to rules governing the certification, recertification, and training of EMT-miners and the certification of EMT-M instructors”; to the Committee on Energy then the Judiciary.

By Delegate Foster:

H. B. 4235 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to state vehicle title, registration and relicensing project of 2018”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4236 - “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 Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4237 - “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 transporting and selling wildlife pelts and parts”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4238 - “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 boating rule”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4239 - “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 special requirements concerning boating”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4240 - “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 defining the terms used in all hunting and trapping”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4241 - “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 prohibitions when hunting and trapping”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4242 - “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 catching and selling bait fish”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4243 - “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 falconry”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4244 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the board”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4245 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4246 - “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 immunizations administered by pharmacists and pharmacy interns”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4247 - “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 Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4248 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Respiratory Care to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4249 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Auditor to promulgate a legislative rule relating to local government purchasing card program”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4250 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Conservation Committee to promulgate a legislative rule relating to state conservation committee grant program”; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4251 - “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 Finance then the Judiciary.

By Delegate Foster:

H. B. 4252 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4253 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Board of Acupuncture to promulgate a legislative rule relating to fees for the board of acupuncture”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4254 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to auricular detoxification therapy certificate”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4255 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4256 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4257 - “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 financial services reporting”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4258 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4259 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Board of Architects to promulgate a legislative rule relating to fees for registration of architects”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4260 - “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 auctioneers”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4261 - “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 employment reference and inquiries and background checks”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4262 - “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 Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4263 - “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 hemp products”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4264 - “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 Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4265 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4266 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4267 - “A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Commerce to promulgate a legislative rule relating to small business innovation research and small business technology transfer matching funds program”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegate Foster:

H. B. 4268 - “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 in Counseling to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4269 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to dental advertising”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4270 - “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. 4271 - “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. 4272 - “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 application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4273 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4274 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Election Commission to promulgate a legislative rule relating to regulation of campaign finance”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4275 - “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 fire code”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4276 - “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. 4277 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to applications for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4278 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4279 - “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 public water systems”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4280 - “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 fees for permits”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4281 - “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 vital statistics”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4282 - “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 emergency medical services”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4283 - “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 primary care center uncompensated care grants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4284 - “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 medical cannabis program-general provisions”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4285 - “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 medical cannabis program-growers/processors”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4286 - “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 medical cannabis program-laboratories”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4287 - “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 medical cannabis program-dispensaries”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4288 - “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 medical cannabis program-safe harbor letter”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4289 - “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 Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4290 - “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 minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4291 - “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 qualifications for a provisional license to practice as a social worker within the Department of Health and

Human Resources”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4292 - “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 critical access hospitals”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4293 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4294 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4295 - “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 use of state road rights of way and adjacent areas”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 4296 - “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 small wireless facilities on Division of Highways rights-of-way”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Foster:

H. B. 4297 - “A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to credit for reinsurance”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Foster:

H. B. 4298 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4299 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4300 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4301 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to WV Medical Imaging and Radiation Therapy Technology Board of Examiners”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4302 - “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 licensure, disciplinary and complaint procedures, continuing education, physician assistants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4303 - “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 waiver of initial licensing fees for certain initial licensure applicants”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4304 - “A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to safety and treatment program”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4305 - “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 special boating rule”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4306 - “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 public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division of Natural Resources”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4307 - “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 special projects and grants for West Virginia State

Parks, State Forests, and State Rail Trails under the Division of Natural Resources”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4308 - “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 special fishing rule”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Foster:

H. B. 4309 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4310 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4311 - “A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Oil and Gas Conservation Commission to promulgate a legislative rule relating to rules of the commission”; to the Committee on Energy then the Judiciary.

By Delegate Foster:

H. B. 4312 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules for the West Virginia Board of Optometry”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4313 - “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 osteopathic physician assistants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4314 - “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 waiver of initial licensing fees for certain initial licensure applicants”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4315 - “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 Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4316 - “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 record keeping and automated data processing systems”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4317 - “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 Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4318 - “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 centralized prescription processing”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4319 - “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 Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4320 - “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 Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4321 - “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 application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4322 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist assistants”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4323 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistant”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4324 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating

to general provisions for athletic trainers”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4325 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4326 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4327 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registration for Professional Engineers to promulgate a legislative rule relating to examination, licensure and practice of professional engineers”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4328 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4329 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Psychologists to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations and application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4330 - “A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Defender Services to promulgate a legislative rule relating to payment of fees and reimbursement of expenses of court appointed attorneys”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4331 - “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 Finance then the Judiciary.

By Delegate Foster:

H. B. 4332 - “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. 4333 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4334 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to consideration of prior criminal convictions in initial license eligibility determination”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4335 - “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 request for waiver of initial

licensing fees for certain individuals”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4336 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to establishment of fees”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4337 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student limited permit”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Foster:

H. B. 4338 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Sanitarians to promulgate a legislative rule relating to waiver of initial application fees and criteria for initial licensure”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4339 - “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 Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4340 - “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 fee schedule”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4341 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4342 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4343 - “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 consumer sales and service tax and use tax-drugs, durable medical goods, mobility enhancing equipment and prosthetic devices per se exemption, motor vehicles per se exemption”; to the Committee on Finance then the Judiciary.

By Delegate Foster:

H. B. 4344 - “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 Finance then the Judiciary.

By Delegate Foster:

H. B. 4345 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4346 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the

Board of Veterinary Medicine to promulgate a legislative rule relating to registration of veterinary technicians”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4347 - “A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees”; to the Committee on Government Organization then the Judiciary.

By Delegate Foster:

H. B. 4348 - “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 West Virginia surface mining reclamation rule”; to the Committee on Energy then the Judiciary.

Special Calendar

Second Reading

H. B. 3039, Relating to a court’s consideration of the expression of a preference by a child in certain child custody matters; 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. 4004, Creating the West Virginia Sentencing Commission; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Rowe, the bill was amended on page two, section one, line eight, following the word “public”, by striking out the period and inserting “while preventing disparate treatment of offenders based on racial, ethnic, cultural, economic or other factors related to the social status of the offender” and a period.

On motion of Delegate Shott, the bill was amended on page five, section three, line thirty-two, by removing in its entirety subsection (12) and renumbering the remaining subsection.

The bill was then ordered to engrossment and third reading.

H. B. 4007, Born-Alive Abortion Survivors Protection Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4022, Clarifying the qualifications of the Chancellor of the Higher Education Policy Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4103, Relating to office of drug control policy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Espinosa, Estep-Burton and Hicks.

Miscellaneous Business

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

- Delegate Hornbuckle regarding the support he received during his absence
- Delegate Miley regarding Delegate Hornbuckle

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

- Delegate Porterfield for H. B. 4093
- Delegates Summers, Foster, Hansen, Bartlett, J. Jeffries and Campbell for H. B. 4026
- Delegates Williams for H. B. 4001 and Miley

- Delegate Pushkin for H. B. 2142 and H. B. 2497
- Delegate Skaff for H. B. 4001
- Delegates Hott, Graves, Cadle, Barnhart, J. Jeffries, Maynard, Phillips, Foster, Hamrick, Paynter, Steele, D. Jeffries, Wilson, Waxman and Bartlett for H. C. R. 8

At 11:49 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 15, 2020.

Wednesday, January 15, 2020

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 Tuesday, January 14, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 4062, Reducing the cost of prescription drugs,

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

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

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

H. B. 4009, Relating to the process for involuntary hospitalization,

H. B. 4061, Health Benefit Plan Network Access and Adequacy Act,

And,

H. B. 4094, Continuing the Foster Care Ombudsman,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4009, H. B. 4061 and H. B. 4094) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 4090, 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. 4090) was referred 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. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees,

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

Com. Sub. for H. B. 4091 - "A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment

of applicable expedited fees; allowing expedited oil and gas well permit modifications under the same Act upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited in the Oil and Gas Operations Permit and Processing Fund; permitting one half of any residual fees to be deposited in the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of the modification fees between day 20 and day 30 after the submission of a permit modification application; providing for a maximum cap amount of \$1 million for all residual fees from this article to be deposited in the Oil and Gas Operations Permit and Processing Fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund.”

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. 2142, Issuing identification documents to homeless individuals residing at homeless shelters,

H. B. 2471, Increasing criminal penalties for impersonation of law-enforcement officers or officials,

And,

H. B. 3134, Establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving,

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, H. B. 2142 was referred to the Committee on Finance.

Pursuant to House Rule 80, the Speaker then referred H. B. 2471 and H. B. 3134 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. 4096, Requiring candidates to live in the state or local election district for the office for which they are seeking,

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

Com. Sub. for H. B. 4096 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-2b, relating to requiring all candidates for office to have their principal place of residence within the election districts for which they are seeking office; defining terms; and setting forth facts which can be used to establish principal residence or domicile,"

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 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 Agriculture and Natural Resources then Rules:

S. C. R. 1 - "Designating dogs that are adopted from West Virginia animal shelters and rescues as West Virginia's official state dog."

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

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

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

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

Resolved by the Legislature of West Virginia:

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

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

Resolutions Introduced

Delegates Higginbotham, Ellington, Summers, Linville, Hamrick, Atkinson, Barnhart, Dean, J. Jeffries, Phillips, Rohrbach, Steele, Toney and Waxman offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

H. R. 5 - "Urging support of the United States-Mexico-Canada Agreement."

Whereas, The imposition of artificial barriers to free and open trade are harmful to American economic interests; and

Whereas, Together, the United States, Canada and Mexico promote a shared belief in freedom, representative democracy and market principles as recognized in the U.S. Constitution; and

Whereas, A longstanding, close tri-lateral relationship, codified in the North American Free Trade Agreement (NAFTA), has existed between the United States, Canada, and Mexico for more than 25 years and has proven economically, culturally and strategically important for all parties and this relationship will continue with ratification of the United States-Mexico-Canada Agreement (USMCA); and

Whereas, Trade with Canada and Mexico supports nearly 12 million American jobs, and nearly 5 million of those jobs are supported by increased trade generated by NAFTA and these benefits will continue with ratification of USMCA; and

Whereas, Since NAFTA entered into force in 1994, trade with Canada and Mexico has nearly quadrupled to \$1.3 trillion, and the two countries buy more than one-third of U.S. merchandise exports; and

Whereas, For 43 states in the United States, Canada and Mexico represent their first or second largest export market and all but one U.S. state count Canada or Mexico as a top three trading partner; and

Whereas, Canada and Mexico are the two largest trading partners for West Virginia with 16 percent of the state's goods exports going to Canada and another 2.8 percent going to Mexico; and

Whereas, NAFTA has contributed to a 405 percent increase in U.S. agricultural exports to Canada and Mexico; and

Whereas, The modernized USMCA may prove even more beneficial to the agricultural sector than NAFTA and will offer a higher degree of certainty and stability to farmers; and

Whereas, U.S. service exports to Canada and Mexico have tripled, rising from \$27.5 billion in 1993 to \$91.3 billion in 2017, thanks to new market access and clearer rules afforded by NAFTA which will be continued under USMCA; and

Whereas, Canada and Mexico are the top two export destinations for U.S. small and medium-sized enterprises, more than 125,000 of which sold their goods and services in Canada and Mexico in 2014; and

Whereas, Trade among our North American trading partners is made up predominantly of intellectual property (IP)-intensive goods and services that employ millions of Americans in high paying jobs and generate billions of dollars in economic output; and

Whereas, Many of the IP-intensive goods, services and exchanges through which trade is facilitated in the NAFTA bloc did not exist when the agreement was drafted, and this situation has resulted in uneven and weak IP enforcement; and

Whereas, Stringent enforcement of IP rights has been found to correlate closely with greater household income, Foreign Direct Investment, and Gross Domestic Product; and

Whereas, The IP provisions found in the USMCA are the most comprehensive of any multilateral U.S. trade agreement and are vastly superior to those included in NAFTA; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby applauds the newly-negotiated USMCA; and, be it

Further Resolved, That the House of Delegates urges Congress to approve USMCA in order to ensure continuity in trade among the three North American economic partners; and, be it

Further Resolved, That the Clerk forward a copy of this resolution to the President of the United States; the Chairmen and Ranking members, and all other members of the U.S. Senate Finance and the U.S. House Ways and Means Committees; the members of the Senate and House Advisory Groups on Negotiations; the U.S. Trade Representative; the U.S. Secretaries of Commerce, State, and Labor; the Director of the Office of

Management and Budget; and the Intellectual Property Enforcement Coordinator.

Delegates Higginbotham, Ellington, Jennings, Hanna, Bibby, Waxman, Bartlett, Cooper, J. Kelly, Barnhart, Dean, J. Jeffries, Hamrick, Rohrbach, Steele and Toney offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 6 - "Condemning the United States House of Representatives for impeaching the President of the United States."

Resolved by the House of Delegates:

That the United States House of Representatives is condemned for impeaching the President of the United States.

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Speaker of the United States House of Representatives.

Delegates Hartman, N. Brown, Boggs, C. Thompson and Sponaugle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 10 - "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 Division of Highways is hereby requested to have made and be placed signs identifying 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.

And,

Delegates Higginbotham, Ellington, Atkinson, Dean, Hamrick, Hanna, J. Jeffries, Phillips, Rohrbach, Steele, Toney and Waxman offered the following resolution, which was read by its title and referred to the Committee on Energy then Rules:

H. C. R. 12 - “Requesting West Virginia University researchers study the feasibility of extracting rare earth elements from coal ash.”

Whereas, The U.S. coal industry is facing tough times. Demand for coal is dwindling, and the industry is under fire for polluting streams and rivers with coal ash and acid mine drainage. But in that waste, and in some cases in the coal itself, are valuable rare-earth elements that may be readily recovered. If researchers can figure out how to extract them economically, sales of rare earths could help pay for some of the cleanup costs now borne by the coal industry and several coal-mining states; and

Whereas, Demand for rare-earth elements, which include the lanthanides plus scandium and yttrium, has ticked upward over the past few decades. The long list of high-tech products that rely on rare earths include cell phones, flat-screen TVs, vehicles, energy production satellites, defense aircraft, and high-performance magnets; and

Whereas, In 2015, Global demand for rare-earth elements was 149,000 metric tons per year, according to Mary Anne Alvin, technology manager of rare-earth elements at the Department of Energy’s National Energy Technology Laboratory. The U.S. consumes about 11%, or 16,000 metric tons per year; and

Whereas, Rare-earth elements are not commodities that are domestically produced. The U.S. gets its supply from China and elsewhere. If there was a disturbance in the supply chain and we need these materials, especially for our national security, the question is, ‘What do we do?’ For example, if tensions between the U.S. and China escalate, China could cut off much of the U.S. supply of rare earth metals; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia University researchers study the feasibility of extracting rare earth elements from coal ash; and, be it

Further Resolved, That the West Virginia University researchers are requested to report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

Bills Introduced

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

By Delegates Howell, C. Martin, Householder, Foster, Criss, Kessinger, D. Jeffries, J. Jeffries, Higginbotham and Graves:

H. B. 4349 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to exempting sales of small arms and small arms ammunition from state sales and use taxes”; to the Committee on Finance.

By Delegates Miller, Higginbotham, D. Kelly, Lovejoy, Lavender-Bowe, Tomblin, Maynard, Pack, Evans and Graves:

H. B. 4350 - “A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System Act; service as sheriff”; to the Committee on Pensions and Retirement then Finance.

By Delegates Kump and Butler:

H. B. 4351 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to requiring the random drug testing of legislators; requiring public disclosure of results or nonparticipation under certain circumstances; and generally requiring confidentiality”; to the Committee on the Judiciary.

By Delegates Jennings, Maynard, Bibby, Lovejoy, Miller, Pack, Sypolt, Worrell, Waxman, Hardy and Summers:

H. B. 4352 - “A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend

and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code; relating to removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decision making; providing criteria for the state Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the state Fire Marshal as to whether a person's criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure"; to the Committee on Government Organization.

By Delegate Howell:

H. B. 4353 - "A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code, all relating to the use of post-criminal conduct in professional and occupational initial licensure decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person's

criminal records precludes licensure”; to the Committee on Government Organization.

By Delegate Worrell:

H. B. 4354 - “A Bill to amend and reenact §60A-2-201 of the Code of West Virginia, 1931, as amended, relating to drugs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Porterfield, Foster, Bibby, Steele, Butler, Waxman, J. Jeffries, Jennings, Mandt, Kessinger and Hill:

H. B. 4355 - “A Bill to amend and reenact §7-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-13-23 of said code, all relating to allowing municipalities and counties to post their annual financial statements on the Internet instead of publishing them in newspapers”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Hill and Rohrbach:

H. B. 4356 - “A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics”; to the Committee on Health and Human Resources.

By Delegates Higginbotham, Ellington, Atkinson, Hamrick, Barnhart, Toney and Hanna:

H. B. 4357 - “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”; to the Committee on Government Organization.

By Delegates Porterfield and Foster:

H. B. 4358 - "A Bill to amend and reenact §29-3B-2 and §29-3B-3 of the Code of West Virginia, 1931, as amended, all relating to the licensing of electricians; decreasing the number of years' experience necessary to become certain types of electricians; and permitting persons who perform work on a single or dual family dwelling where the total amount charged for the electrical work is under \$2,500 to be exempt from electrician licensing requirements"; to the Committee on Industry and Labor then Government Organization.

By Delegate Westfall:

H. B. 4359 - "A Bill to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to increasing the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each one; defining a term; and deleting an effective date"; to the Committee on Banking and Insurance.

By Delegates Foster, Waxman, Householder, Barnhart, Jennings, Porterfield, Ellington, Phillips, D. Jeffries, C. Martin and Wilson:

H. B. 4360 - "A Bill to amend and reenact §21-16-3 of the Code of West Virginia, 1931, as amended, relating to exempting, from heating, ventilating, and cooling system licensing requirements, certain persons only performing electrical, fire protection, or plumbing work on a heating, ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans, and tankless water heater ventilation"; to the Committee on Industry and Labor then Government Organization.

By Delegates Westfall, Azinger, Nelson, Hott and D. Jeffries:

H. B. 4361 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-41-4a, and §33-41-11a; and to amend and reenact §33-41-2, §33-41-5, §33-41-8, §33-41-11, and §33-41-12 of said code, all relating to insurance law violations; defining 'fraudulent insurance act'; allowing Insurance Commissioner to accept proceeds from court ordered forfeiture proceedings; creating special revenue fund;

permitting courts to award cost of investigation to insurance fraud unit or other law-enforcement agency; requiring person engaged in the business of insurance to report to the Insurance Commissioner suspected insurance law violations; permitting insurance fraud unit to administer oaths or affirmations, execute search and arrest warrants, make arrests upon probable cause without a warrant, and participate in the prosecution of workers' compensation fraud; making the commission of a fraudulent insurance act a violation of law; mandating that a person convicted of a felony involving dishonesty, breach of trust, or a law reasonably related to the business of insurance is disqualified from participating in the business of insurance; requiring insurance companies to have antifraud initiatives; allowing the Insurance Commissioner to promulgate rules; and providing for criminal penalties and restitution for insurance law violations"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Bibby, Hardy, Kump, Waxman, Espinosa, Householder, Barrett, Wilson, Barnhart, S. Brown and Hanna:

H. B. 4362 - "A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended, all relating to penalties for neglect, emotional abuse or death caused by a caregiver; setting penalty for emotional abuse of an incapacitated adult; setting penalty for abuse, neglect or emotional abuse of nonverbal special needs child; setting penalty for causing death or allowing another to cause death of a nonverbal special needs child"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Graves, Pack, Steele, Ellington, Kessinger, Jennings, Summers, Waxman, Maynard, Sypolt and Rowan:

H. B. 4363 - "A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3,

§20-17-4, §20-17-5, §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, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor"; to the Committee on Pensions and Retirement then Finance.

Special Calendar

Third Reading

H. B. 3039, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters; 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 87, nays 11, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Canestraro, Fleischauer, Fluharty, Hansen, Robinson, Rowe, Sponaugle, Storch, Walker and Worrell.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3039) 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. 4004, Creating the West Virginia Sentencing 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. 4**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4004) 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. 4007, Born-Alive Abortion Survivors Protection 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. 5**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Fleischauer, Hansen, Pyles and Walker.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4007) 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. 4022, Clarifying the qualifications of the Chancellor of the Higher Education Policy 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. 6**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4022) 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. 4103, Relating to office of drug control policy; 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 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4103) passed.

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

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. 2602, Including possession of known stolen property in the offense of receiving or transferring stolen property,

Com. Sub. for H. B. 2679, Relating to state issued identification cards,

Com. Sub. for H. B. 2696, Creating an additional index system for state-owned lands,

H. B. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids,

Com. Sub. for H. B. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website,

H. B. 4010, Changing the licensing requirement for certain casino employees,

And,

Com. Sub. for H. B. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Espinosa and Williams.

Miscellaneous Business

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

- Delegate Walker during Remarks by Members
- Delegates S. Brown, Fleischauer, Hansen and Rowan regarding H. B. 4007

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

- Delegate Porterfield for H. B. 4153 and H. B. 4168
- Delegates Barnhart and Bibby for H. B. 2915
- Delegates Bibby, Ellington, Higginbotham, Hill, J. Kelly, Mandt, Pack and Sypolt for H. C. R. 8
- Delegate C. Thompson for H. B. 4062
- Delegates Cowles, Pack and Waxman for H. B. 4162
- Delegate Rohrbach for H. B. 4009

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

- Delegate Fast for H. B. 4008

At 12:20 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 16, 2020.

Thursday, January 16, 2020

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 15, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 4108, Relating generally to certificates of need for health care services,

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

Com. Sub. for H. B. 4108 - "A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to the process for certificate of need exemptions,"

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. 4104, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation,

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. 4104) 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. 4051, Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers,

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. 4051) was referred to the Committee on Finance.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access,

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. 2877) 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. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency,

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. 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state,

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

Com. Sub. for H. B. 4020 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local governments; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions;

and preserving the authority of local governments to regulate certain projects, construction, and modifications,”

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. 4017, Establishing country roads accountability and transparency,

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

Com. Sub. for H. B. 4017 - “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,”

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. 4121, Relating to state boards of examination or registration,

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. 4121) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December,

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. C. R. 8, Admitting certain counties and independent cities of the Commonwealth of Virginia to be admitted to the State of West Virginia as constituent counties,

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

Com. Sub. for H. C. R. 8 - "Providing for an election to be had, pending approval of the General Assembly of the Commonwealth of Virginia, and a majority of qualified citizens voting upon the proposition prior to August 1, 2020, for the admission of certain counties and independent cities of the Commonwealth of Virginia to be admitted to the State of West Virginia as constituent counties, under the provisions of Article VI, Section 11 of the Constitution of West Virginia,"

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 8) was referred 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:

S. C. R. 2, Requesting Frederick County, Virginia, consider becoming part of State of West Virginia,

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 (S. C. R. 2) was referred to the Committee on Rules.

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. 94 - "A Bill to amend and reenact §3-3-1, §3-3-2, §3-3-2b, §3-3-4, §3-3-5, and §3-3-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-3-1a, all relating generally to absentee voting; clarifying that voters with disabilities prevented from voting in person may vote by mail-in absentee ballot; providing that voters with physical disabilities may vote by electronic absentee ballot; clarifying that certain overseas military members and citizens may vote by electronic absentee ballot; defining terms; providing that a voter with a physical disability may electronically submit an application to vote absentee; providing that the information collected in the application to be

placed on the special absentee voting list include whether a voter with a physical disability requests an electronic absentee ballot; clarifying that a voter with a physical disability can receive assistance to vote in certain circumstances; establishing requirements and deadlines for transmission, submission, and acceptance of electronic absentee ballots; and updating obsolete terms”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Hott, Howell, Rowan, Mandt, D. Kelly, Toney, J. Jeffries, Fast, Phillips, Sypolt and D. Jeffries 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 a portion of State Route 42 in Mineral County from Elk Garden to the West Virginia/Maryland border, the ‘Watts Brothers Memorial Road’.”

Whereas, The military often likens itself to a family, a Mineral County family took the analogy and put it into practice. Elk Garden’s Francis Watts and her husband Glenn Watts Sr., a coal miner, sent five of their six boys, Glenn Jr., Thomas, Gilbert, Daniel, and Gary into three branches of the nation’s military during three and a half decades of the Cold War. The five’s military service included a span from late 1966 to late 1968 when each of the brothers was on active duty during the Vietnam War and the youngest, Gary, was pulling a 21-month tour of combat duty in Vietnam; and

Whereas, According to their mother, “All the boys had a patriotic streak, and they weren’t too keen on working in the coal mines after seeing what their father had to do”; and

Whereas, Retired Air Force Master Sergeant Glenn L Watts, Jr. served 24 years of active duty from 1954 to 1978 with an additional six years in the reserves; and, in addition to his stateside service, his Air Force career took him to Resolution Island in the Northwest Territories, Iceland, and Germany; and

Whereas, Retired Navy Senior Chief Petty Officer Thomas D. Watts served 23 years active duty from 1956 to 1979 with an additional seven years in the reserves; his outgoing personality helped him hold down a spot as a top naval recruiter for 10 years; and his shipboard assignments included the tour on the USS Forrestal and several years of submarine service aboard the USS Wahoo, the USS George C Marshall (a nuclear powered sub), and the USS Simon Bolivar; and

Whereas, Retired Navy Chief Petty Officer Gilbert T. Watts served 20 years active duty from 1960 to 1980 with an additional 10 years in the reserves; he spent three years as a Drill Commander and served seagoing tour aboard the USS Forrestal, USS Neosho, USS Denebola, USS Macdonough, and USS Shenandoah; and

Whereas, Former Army Sergeant Daniel R. Watts served six years of active duty from 1962 to 1968 and two years as a reservist; his service included tours of duty in South Korea and Germany; and

Whereas, Former Army Sergeant Gary M. Watts served two and a half years of active duty from 1966 to 1969 with 21 months of combat duty in Vietnam and an additional six and a half years as a reservist; and

Whereas, According to their mother, “After getting out and seeing some of the world all the boys realized that America was the best country on earth and they would tell me so. They felt very lucky to have been born here and to be able to serve their country”; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Watts brothers and 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 name a portion of State Route 42 in Mineral County from Elk Garden to the West Virginia/Maryland border, the “Watts Brothers Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “Watts Brothers Memorial Road”; and, be it

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

Delegates Westfall, Atkinson, Higginbotham, Azinger and Cadle 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 18-25/1-1.50 (18A261), locally known as Tug Fork Box Beam Bridge, carrying CR 25/1 over the Tug Fork of Mill Creek in Jackson County, the ‘U. S. Army, Staff Sergeant Wendell Otho Casto Memorial Bridge’.”

Whereas, Wendell Otho Casto was born April 4, 1920, on the family farm on Buffalo Lick in Jackson County, West Virginia. His father was Benjamin Franklin Casto, and his mother was Bertha Mae (Fisher) Casto. He was the fourth of five surviving children. His siblings were provided college or vocational educations; however, his sole ambition from youth was to farm. Due to his farming vocation, he was provided a military deferment for World War II. This changed in November 1943, when his older brother and father died within six days of one another. This life-altering loss inspired Wendell to enlist in the U.S. Army, which he did the following year; and

Whereas, He served with the 1st Armored Division in the Italian Campaign as a “chief” gunner on a 30-caliber water-cooled machine gun, with his official designation as a “heavy machine gunner”. While serving, Wendell earned the Combat Infantryman Badge SS M-1 Rifle, the Good Conduct Medal, Bronze Star Medal with One Oak Leaf Cluster, the Army Occupational Medal (Germany), the European African Middle Eastern Theater Ribbon,

and the World War II Victory Ribbon. He was honorably discharged in April 1946 with the rank of Staff Sergeant; and

Whereas, His first Bronze Star citation was for partaking in a rescue mission of a downed soldier in a mine field. His second Bronze Star citation followed the 1st Armored Division spearheading the offensive in the Po Valley, and extending behind enemy lines, his whereabouts unknown for 29 days. If he had been marked as “missing” for 30 days, his mother would have been notified. After “V-E Day”, Wendell continued in Germany for approximately one year, earning the respect and reliance of his superiors; and

Whereas, Upon returning to the family farm, he married Oda Marie Harrison, and fathered two sons, William “Bill” Franklin Casto, DVM, and Joe Wendell Casto, who were both involved in continuing their father’s agricultural legacy. Bill is employed with the USDA Veterinary Services as Assistant Area Veterinarian in Charge for West Virginia. Joe is retired from the Farm Credit of Virginias as Regional Sales and Lending Manager. Both sons maintain their father’s family farm, including a successful cow-calf operation which is operational even today. His five grandchildren and three great-grandchildren have likewise been raised on the family farm; and

Whereas, In 1957, Wendell was one of the original signers and on the Board of Directors for the Jackson County Junior Fair, incorporating and participating in the inception of a fair which to-this-day boasts the most successful youth fair market in the state. He was also generally involved with encouraging agriculture in youth, through his involvement in 4-H and FFA in the county. He further served on the Board of Directors for West Virginia Farm Credit. He retired from the West Virginia Department of Agriculture — Animal Health Division as a Livestock Specialist. Throughout his time with the Department of Agriculture, in addition to the standard duties of his position, he devoted extra time to mentoring and teaching the ensuing generations of workers and Cannerymen; and

Whereas, Wendell O. Casto died September 27, 1992; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, Staff Sergeant Wendell Otho Casto 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 18-25/1-1.50 (18A261), locally known as Tug Fork Box Beam Bridge, carrying CR 25/1 over the Tug Fork of Mill Creek in Jackson County, the “U. S. Army, Staff Sergeant Wendell Otho Casto 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, Staff Sergeant Wendell Otho Casto Memorial Bridge”; and, be it

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

And,

Delegates Longstreth, Angelucci, Caputo and Summers offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 15 - “Requesting the Division of Highways name bridge number 25-310-10.31 (25A272), locally known as Third Street Bridge, carrying WV 310 over Benoni Avenue and Coal Run in Marion County, the ‘Rose Agnes Rolls Cousins Bridge’.”

Whereas, Rose Agnes Rolls Cousins was born on March 26, 1920, to Anne Albert Thornton Rolls and Theodore Emory Rolls, Sr. She graduated from Dunbar High School and West Virginia State College; and

Whereas, Growing up in Fairmont, West Virginia, Rose Agnes Rolls Cousins was introduced to flying at an early age sparking a lifelong love of it; and

Whereas, Her many accomplishments include:

Participation in and completion of the Civilian Pilot Training Program at West Virginia State College, which was highly unusual due to her gender and only after successfully passing the same physical and mental examinations as her male colleagues;

Being the sole female graduate of the pilot training program at West Virginia State College, she tried out for the U.S. Air Force training program for African American combat pilots in Tuskegee Alabama, ultimately being inducted as an honorary member of the Tuskegee Airman due to her flight experience and determination to break down racial and gender barriers;

In a further effort to serve the United States of America during perilous times, she sought to join the Women Airforce Service Pilots (WASPS) only to be rejected due to her race;

Upon returning to Fairmont, she taught algebra at Dunbar High School, served as an assistant to a City director, and was employed as a manager of records at the Fairmont Clinic and served as adjunct education instructor at Fairmont State College; and

Serving as a member of the Marion County Democrat Women and the NAACP; and

Whereas, Rose Agnes Rolls Cousins departed this life on July 30, 2006, at the age of 86; and

Whereas, Rose Agnes Rolls Cousins' life is an outstanding example of determination, selfless service and sacrifice and it is right and just to honor her memory by naming the Coal Run Hollow replacement bridge situate in Fairmont, Marion County, West Virginia, "The Rose Agnes Rolls Cousins Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 25-310-10.31 (25A272), locally known as Third Street Bridge, carrying WV 310 over Benoni Avenue and Coal Run

in Marion County, the “Rose Agnes Rolls Cousins 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 “Rose Agnes Rolls Cousins 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 motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Higginbotham, Ellington and Hanna:

H. J. R. 106 - “Proposing an amendment to the Constitution of the State of West Virginia, amending article VI, section 22 thereof, relating to creating split legislative regular sessions; naming the amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on 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 Higginbotham, Hanna, Hamrick and Atkinson:

H. B. 4364 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26b, relating to creating a tax credit for hiring an ex-felon”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Higginbotham, Ellington, Jennings, Hanna, R. Thompson, Hamrick and Barnhart:

H. B. 4365 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to authorizing granting of college credit hours for learning English as a second language; authorizing state higher

education institutions to grant college credit hours for English learned as a second language and to accept English learned as a foreign language to satisfy college foreign language requirement”; to the Committee on Education.

By Delegates Higginbotham, Hamrick, Barnhart and Hanna:

H. B. 4366 - “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 for advanced placement, dual credit and international baccalaureate programs; increasing base allocation to each county for improving instructional technology; and changing basis of determining amount to be distributed to counties for enrollment in advanced placement and dual credit programs”; to the Committee on Education then Finance.

By Delegates Miley, R. Thompson, Evans, Zukoff, Campbell, C. Thompson and Rohrbach:

H. B. 4367 - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to adding speech pathologists to the step increase for special education teachers”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 4368 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-3-1 and §16A-3-5 of said code; and to amend and reenact §16A-13-3 of said code, all relating to the Medical Cannabis Act; adding definitions to ‘serious medical condition’; requiring rules related to use of edible medical cannabis; protecting patients from another state with medical cannabis in possession from arrest; and clarifying that colleges and private businesses shall be included in medical cannabis research programs”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Shott, Higginbotham, J. Kelly and Pethtel:

H. B. 4369 - “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 cancelled 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”; to the Committee on Energy then the Judiciary.

By Delegates Higginbotham, Ellington, Hamrick and Barnhart:

H. B. 4370 - “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”; to the Committee on the Judiciary.

By Delegates Higginbotham and Hamrick:

H. B. 4371 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-27, relating to events in municipalities licensed by the Alcoholic Beverage Control Commission”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Higginbotham:

H. B. 4372 - “A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to placing sections of political party platforms on the ballot for each primary election in a presidential election year”; to the Committee on the Judiciary.

By Delegates Higginbotham, Hanna and Ellington:

H. B. 4373 - “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 families who suffer the loss of a stillborn child”; to the Committee on Finance.

By Delegates Canestraro, N. Brown, Rowe, Atkinson, Lovejoy and Fast:

H. B. 4374 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-1-6a, relating to the administration of estates and trusts; creating a limited letter of administration that may be issued for estates that do not exceed the value of \$2,000; and establishing procedures and responsibilities relating to a limited letter of administration”; to the Committee on the Judiciary.

By Delegates Summers, Kessinger, Hill and Pack:

H. B. 4375 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §30-32A-1, §30-32A-2, §30-32A-3, §30-32A-4, §30-32A-5, §30-32A-6, §30-32A-7, §30-32A-8, §30-32A-9, §30-32A-10, §30-32A-11, §30-32A-12, §30-32A-13, and §30-32A-14, all relating to joining the Audiology and Speech-Language Pathology Compact Commission; providing for a purpose; providing for definitions; providing for state participation in the compact; establishing the privilege to practice in member states; providing for procedures relating to licensing for active duty military personnel and their spouses; providing for procedures relating to adverse actions; establishing the Audiology and Speech-Language Pathology Compact Commission; providing for a data system available for use among the member states; providing for rule making authority of the Commission; providing for oversight, dispute resolution, and enforcement provisions of the Commission among the member states; providing for date of implementation among the member states; providing for applicability of the existing rules at the time a new member state joins the Commission; providing for withdrawal of any member states and conditions that must be met until withdrawal is effective; providing for a six month period before withdrawal is effective; providing for construction and severability

of the provisions of the Compact; and providing for a binding effect of the laws and rules of the Compact among the member states”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Phillips, D. Jeffries, Summers, Storch, J. Jeffries, Kump, Fast, Swartzmiller, Barrett, Boggs and Kessinger:

H. B. 4376 - “A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from limiting the rights of persons to purchase, possess, transfer, own, carry, transport, sell or store deadly weapons or pepper spray in any manner inconsistent with or in conflict with state law; and restricting the award of reasonable attorney’s fees and costs to petitioners seeking redress under this law, to only those that prevail”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Westfall, Nelson, Queen, Criss, Storch, Rohrbach, Hott, D. Jeffries and Atkinson:

H. B. 4377 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-6-601, §32-6-602, §32-6-603, §32-6-604, §32-6-605, §32-6-606, §32-6-607, §32-6-608, §32-6-609 and §32-6-610, all relating to the creation of The Protection of Vulnerable Adults From Financial Exploitation; defining “financial exploitation” and “eligible adult”; and the obligations and duties of broker-dealers or investment advisers to notify certain agencies of potential financial exploitation”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Hill, Pack, Kessinger, Hanna, Ellington, Higginbotham, Foster, P. Martin and Worrell:

H. B. 4378 - “A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to disciplining teachers”; to the Committee on Education.

By Delegates Barrett, Steele, Dean, Pack, N. Brown, S. Brown, Miller, Graves, Hill, Swartzmiller and Boggs:

H. B. 4379 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended; and to amend and

reenact §62-11B-7a of said code, all relating to authorizing home incarceration supervisors to carry firearms while performing their duties if the county has adopted a concealed firearms training program that complies with federal law enforcement training requirements”; to the Committee on the Judiciary.

By Delegates Howell, Pack, Foster, Hott, Maynard, C. Martin, Hamrick, J. Jeffries, D. Jeffries, Sypolt and Little:

H. B. 4380 - “A Bill to amend and reenact §4-10-10 of the Code of West Virginia, 1931, as amended, relating to updating the regulatory board review schedule”; to the Committee on Government Organization.

By Delegates J. Jeffries, Bibby, Hanna, Hardy, Cooper, Fast, Steele, Summers, Sypolt, Maynard and Kessinger:

H. B. 4381 - “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing and trapping licenses for adopted children; providing for children who have been legally adopted to receive their lifetime hunting, fishing, and trapping license; providing that adopted children may be eligible for a license until their 12th birthday; and providing that parents of adopted children have two years to obtain the lifetime hunting, fishing or trapping license from the date of the adoption”; to the Committee on Agriculture and Natural Resources.

By Delegates Graves, Higginbotham, Storch, Queen, Hanna, Kessinger, Hanshaw (Mr. Speaker), Barrett, Doyle, Skaff and Lovejoy:

H. B. 4382 - “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; defining development office and multi-state distribution; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary 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; providing development office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to film investment tax credit program”; to the Committee on Finance.

By Delegates D. Jeffries, Hanna, Kessinger, Howell, Jennings, C. Martin and Hott:

H. B. 4383 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Waxman, Bibby, Hanna, Howell, J. Kelly, Summers, Foster, Bartlett, Steele, Mandt and Worrell:

H. B. 4384 - “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 2020; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, 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 recognized by the West Virginia State Historic Preservation Office;

authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances; and establishing penalties”; to the Committee on Government Organization.

By Delegates Estep-Burton, Walker, Williams, Zukoff, Rowe, Lavender-Bowe, Pushkin, Bates, Hansen and Evans:

H. B. 4385 - “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, §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, §16-2P-13, §16-2P-14, §16-2P-15, §16-2P-16, §16-2P-17, §16-2P-18, §16-2P-19, and §16-2P-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an effective date”; to the Committee on the Judiciary then Finance.

By Delegates Higginbotham, Ellington, Howell, Hamrick, Toney and Hanna:

H. B. 4386 - “A Bill to amend and reenact §3-1-9 of the Code of West Virginia, 1931, as amended, relating to political party committees; establishing that any elected state representative in the

West Virginia House of Delegates or the West Virginia State Senate are members of the political party upon election or appointment; permitting all elected or appointed officials to remain a member for the duration of their time in office; and permitting any elected or appointed representative to be elected as an officer for the political party committee”; to the Committee on the Judiciary.

By Delegates Graves, Pack, Ellington, Kessinger, Summers, Waxman, Linville, Rowan, J. Jeffries, Higginbotham and Hill:

H. B. 4387 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7 and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and requiring rule-making”; to the Committee on Health and Human Resources.

By Delegates Hamrick, J. Jeffries and C. Martin:

H. B. 4388 - “A Bill to amend and reenact §11-16-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-18 and §11-16-22 of said code; to amend and reenact §60-2-15 of said code; to amend and reenact §60-8-23 of said code, all relating to removing restrictions on advertising, equipment and services by licensees; adding legislative findings, removing restrictions on equipment, fixtures, signs, and supplies; limiting advertising restrictions to false or misleading advertising, irresponsible consumption, and that which targets underage consumption; clarifying that exterior signs are governed by the Division of Highways; eliminating antiquated rule-making language; and limiting promulgation and enforcement of legislative rules”; to the Committee on Government Organization.

By Delegates Rodighiero, Tomblin, Evans, Miller, R. Thompson, C. Thompson and S. Brown:

H. B. 4389 - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to requiring that

no later than July 1, 2020, credits earned at two-year colleges or community and technical colleges, transfer for program credit at any other state institution of higher education”; to the Committee on Education.

By Delegates Howell, Hamrick and Linville:

H. B. 4390 - “A Bill to repeal §5A-8-6 and §5A-8-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-8-3, §5A-8-4, §5A-8-5, §5A-8-7, §5A-8-9, §5A-8-10, §5A-8-11, §5A-8-13, §5A-8-14 and §5A-8-17 of said code, all relating to records management of public records; defining terms; dissolving the formal advisory committee; updating the authority of the administrator; allowing for records of historical value; updating the authority of agency heads related to records management; providing for electronic storage and electronic formats for records; repealing the requirement that the administrator must store agencies’ essential records; removing the requirement that the administrator notify agencies of essential records destruction; providing that the administrator may approve request by agencies to destroy their essential records; and making technical changes”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Rohrbach, Pack, Waxman, Paynter, Kessinger, Maynard, Ellington, Miller, Westfall, Lovejoy and D. Kelly:

H. B. 4391 - “A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; definitions, including redefining the definition of ‘Life-prolonging intervention’; forms of a living will or medical power of attorney or combined medical power of attorney and living will and specific provisions; and interpretation and application of provisions upon the effective date of enactment”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rohrbach, Linville and Maynard:

H. B. 4392 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for exposure of governmental representatives,

including emergency medical service personnel, to fentanyl or any other harmful drug or chemical agent”; to the Committee on the Judiciary.

By Delegates Rohrbach, Lovejoy, Linville and Maynard:

H. B. 4393 - “A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to making suffocation and asphyxiation crimes”; to the Committee on the Judiciary.

By Delegates Rohrbach, Lovejoy and Miller:

H. B. 4394 - “A Bill to amend and reenact §31-18E-9 of the West Virginia Code, 1931, as amended, relating to making permanent the right of first refusal land reuse agencies and municipal land banks have on tax-delinquent properties; expanding the circumstances when the right of first refusal may be used; clarifying provisions related to the right of first refusal; and authorizing land reuse agencies and municipal land banks to reject adjacent property owner’s request to purchase property in certain circumstances”; to the Committee on Political Subdivisions then the Judiciary.

Special Calendar

Second Reading

Com. Sub. for 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.

Com. Sub. for 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.

Com. Sub. for 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.

H. B. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids; on second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page one, section four hundred seven-a, line four, by striking out the words “other than marijuana” and the comma.

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. 8**), and there were—yeas 30, nays 68, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Cowles, Fast, Foster, Graves, Hott, D. Jeffries, J. Jeffries, Jennings, D. Kelly, Kessinger, Kump, P. Martin, Maynard, Paynter, Porterfield, Rohrbach, Rowan, Summers, Sypolt, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Espinosa and Rodighiero.

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. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4010, 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. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page one, section twelve, line five, after the date “September 1, 2020” and the period, by inserting the following:

“After September 1, 2020, any agency which has not filed its procedural rule as required by this section shall follow the procurement requirements established by the Purchasing Division.”

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:

H. B. 4062, Reducing the cost of prescription drugs,

Com. Sub. for H. B. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees,

And,

Com. Sub. for H. B. 4096, Requiring candidates to live in the state or local election district for the office for which they are seeking.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Espinosa and Rodighiero.

Miscellaneous Business

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

- Delegate Bartlett during Remarks by Members

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

- Delegates Dean, Jennings, Kump, Little, Lovejoy, P. Martin, Miller, Porterfield, Toney and Worrell for H. C. R. 8
- Delegate Bates for H. B. 4001
- Delegate D. Jeffries for H. B. 2433
- Delegate Kump for H. B. 2497 and H. B. 4372
- Delegate Porterfield for H. B. 2008
- Delegate Foster for H. B. 4053
- Delegates S. Brown, N. Brown, Canestraro, Fluharty, Householder and Lovejoy for H. B. 2497

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

- Delegate Pack for H. C. R. 8

At 12:05 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 17, 2020.

Friday, January 17, 2020

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 16, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 2086, Uniform Real Property Electronic Recording Act,

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

Com. Sub. for 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 Advisory Committee 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 Advisory Committee 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,”

H. B. 4119, Establishing the crime of torture,

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

Com. Sub. for H. B. 4119 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to establishing the crime of torture; establishing criminal penalties; defining terms; providing that pain is not an element of the crime of torture; and establishing that conviction of the crime of torture does not preclude conviction of another offense arising from the same transaction,”

And,

H. B. 4275, Fire Commission, state fire code,

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

Com. Sub. for H. B. 4275 - “A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Department of

Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. B. 4077, Increasing the amount of the bond required to be posted by proprietary schools,

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

Com. Sub. for H. B. 4077 - “A Bill to amend and reenact §18B-2B-9 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the bond required to be posted by proprietary schools; establishing methods of bonding; and requiring suspension of a proprietary school’s permit if there is not required bond coverage,”

With the recommendation that the committee substitute do pass.

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 Bibby, 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 Bibby, 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 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. 2627) 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. 2729, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

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. 2729) 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 Political Subdivisions then the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2321) was referred to the Committee on Political Subdivisions then 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. 4039, Providing limitations on nuisance actions against fire department and emergency medical 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4039) was referred to the Committee on the Judiciary.

On motions for leave, the following bills were introduced (Originating in the Committee on Prevention and Treatment of Substance Abuse and reported with the recommendation that they each do pass, but that they first be referred to the Committee on Finance), which were read by their titles, as follows:

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4416 - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date,"

And,

By Delegates Rohrbach, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4418 - "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 Fund."

The Speaker referred the bills (H. B. 4416 and H. B. 4418) to the Committee on Finance.

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, Kessinger, Robinson, Walker, Bartlett, Ellington, Hanna, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4417 - “A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended; relating to permitting professional boards to approve different continuing education programs on drug diversion.”

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, Kessinger, Robinson, Walker, Bartlett, Ellington, Hornbuckle, D. Kelly, Mandt and Pushkin:

H. B. 4419 - “A Bill to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring pharmacist to check the Controlled Substance Monitoring Database.”

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

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

H. B. 4092, Relating to foster care,

And,

H. B. 4129, Relating to adoption,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4092 and H. B. 4129) were each referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Tomblin, Maynard, Rodighiero, Miller, Hicks and Dean 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 bridge number 23-44-11.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the 'U.S. Army Pvt George H. Hooker Memorial Bridge'."

Whereas, Pvt. Hooker was born in October 1917 in Dunlow, West Virginia; and

Whereas, Pvt. Hooker enlisted in the Army on August 7, 1942, in Huntington, West Virginia to serve his country and his state during World War II; and

Whereas, Pvt. Hooker was a Rifleman during his service in the Army and he was assigned to the 376th Field Artillery Battalion, 82nd Airborne Division and was involved in battles in Italy where he received a Purple Heart posthumously; and

Whereas, Pvt. Hooker was employed as mine timberman prior to enlisting in the service and Pvt. Hooker was well known among the community for his baseball talents; and

Whereas, Pvt. Hooker was killed in combat on July 11, 1943, during the invasion of Sicily where Pvt. Hooker was deployed as a paratrooper; and

Whereas, Pvt. Hooker was laid to rest at Sicily-Rome American Cemetery in Nettuno, Italy; and

Whereas, It is fitting that an enduring memorial be established to commemorate Pvt. Hooker 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 23-44-11.44 (23A309), locally known as Switzer Monty Bro Bridge, carrying West Virginia Route 44 over Island Creek in Logan County, the ‘U.S. Army Pvt. George H. Hooker 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 Pvt. George H. Hooker 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.

Delegate 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. 17 - “Requesting the Division of Highways name bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis County, the ‘U.S. Army PFC William E. ‘Ed’ Smith and W.Va. Army Nat. Guard SSG Edward L. ‘Eddie’ Smith Memorial Bridge’.”

Whereas, PFC William Smith was born October 7, 1919, in Weston, Lewis County, West Virginia to Minter and Hoyo Bennett Smith; and

Whereas, SSG Edward Smith was born June 20, 1943, in Weston, West Virginia, to William and Mary Lee Smith; and

Whereas, SSG Edward Smith graduated from Weston High School in Lewis County, West Virginia in 1963; and

Whereas, PFC William Smith enlisted in the Army and was inducted into service on October 26, 1942 and entered service on November 9, 1942; and

Whereas, SSG Edward Smith joined the West Virginia Army National Guard upon graduation from Weston High School in 1963; and

Whereas, PFC William Smith bravely served his country during World War II in North Africa, Italy, and the European Theater as a messenger and a truck driver; and

Whereas PFC William Smith was awarded the Bronze Star for his bravery during service to this country and state and PFC William Smith was awarded a medal for Good Conduct; and

Whereas, SSG Edward Smith trained in Fort Leonardwood, Missouri and Fort Knox, Kentucky; and

Whereas, SSG Edward Smith served this state for over 20 years; and

Whereas, PFC William Smith lost his father when he was five years old and upon reaching an age for employment, obtained a job at the West Virginia Glass Specialty Company where he worked as a loyal employee for over 40 years; and

Whereas, PFC William Smith married Mary Lee Queen on October 26, 1942, upon induction into the Army and raised children with her until his death; and

Whereas, SSG Edward Smith married Betty Smith and raised two children until Betty's death on December 16, 1986; and

Whereas, PFC William Smith passed away at the VA Hospital in Clarksburg on August 17, 1986 at the age of 66; and

Whereas, SSG Edward Smith passed away on February 4, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC William Smith and SSG Edward Smith and 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 name bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis County, the “U.S. Army PFC William E. ‘Ed’ Smith and W.Va. Army Nat. Guard SSG Edward L. ‘Eddie’ 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 PFC William E. ‘Ed’ Smith and W.Va. Army Nat. Guard SSG Edward L. ‘Eddie’ Smith 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.

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

H. C. R. 18 - “Declaring the West Virginia Marching Band Invitational to be the states’ 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.

Bills Introduced

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

By Delegates Summers and Longstreth:

H. B. 4395 - "A Bill amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended, relating removing the requirement that veterinarians access and report to the controlled substance monitoring database"; to the Committee on Health and Human Resources.

By Delegates Barnhart, Foster, Anderson, C. Martin, Bartlett, D. Jeffries, Azinger, Campbell, Howell and Hartman:

H. B. 4396 - "A Bill to amend and reenact §7-1-16 of the Code of West Virginia, 1931, as amended; and to amend said code by

adding thereto a new section, designated §8-1-9, all relating generally to the Commission on Special Investigations and the State Auditor being informed of fraud and misappropriations by county and municipal governments”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Byrd:

H. B. 4397 - “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 Delegates Fast, Worrell, Foster, Hanna, Dean, C. Martin, Ellington, Rowan, Bibby, Hardy and P. Martin:

H. B. 4398 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and incorporating into these courses the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Constitution of West Virginia, and their original context”; to the Committee on Education.

By Delegate Higginbotham:

H. B. 4399 - “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 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 Delegate Byrd:

H. B. 4400 - “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 Political Subdivisions then Finance.

By Delegate D. Jeffries:

H. B. 4401 - “A Bill to repeal §15-5-4 and §15-5-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-2 of said code; to amend and reenact §15-1A-3; §15-5-4b, §15-5-4c, §15-5-13, §15-5-24; and §15-5-26 of said code; to amend said code by adding thereto a new section, designated §15-5-29; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend and reenact §33-2-23 of said code, all related to the State Resiliency Office and State Resiliency Officer; authorizing department heads to work with the State Resiliency Office; requiring Adjutant General to cooperate with the State Resiliency Office; eliminating the West Virginia Disaster Recovery Board; requiring the State Resiliency Officer’s approval to auditor for disbursements from WV Disaster Recovery Fund; establishing powers of State Resiliency Office with respect to fund; providing authority of State Resiliency Office to accept assistance of the federal government related to emergency response; establishing the State Resiliency Officer as the administrator of the disaster recovery trust fund; providing authority of State Resiliency Office to disburse funds; eliminating annual reporting requirement of fund; requiring Director of Division of Homeland Security and Emergency Management to cooperate with the State Resiliency Office; requiring the Agriculture Commissioner to cooperate with the State Resiliency Office; requiring the State Conservation Commission to cooperate with the State Resiliency Office; authorizing the Secretary of the Department of Environmental Protection to cooperate with the State Resiliency Office; designating the State Resiliency Office as the authority to provide and coordinate emergency relief efforts; establishing the State Resiliency Office as within the Office of the Governor; modifying requirements for board members; establishing additional duties for the board; providing for the appointment, duties, and requirements for the position of State Resiliency Officer; providing that the State

Resiliency Officer will act on behalf of the Governor in emergency situations; establishing the authority of the State Resiliency Office and State Resiliency Officer; establishing the State Resiliency Officer to report to the Joint Committee on Flooding; establishing the power of the State Resiliency Officer over employees of the office; creating and establishing state office of National Flood Control Program; and providing for a coordinator to administer the program”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Robinson, Rowe, Graves, Estep-Burton, D. Jeffries, Bartlett, Skaff and Byrd:

H. B. 4402 - “A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to designation of early voting locations; and allowing designations to carry over to subsequent elections under certain circumstances”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Robinson, Miller, Lovejoy, Canestraro, N. Brown, Fluharty, Hornbuckle, Byrd, Skaff, Worrell and Kessinger:

H. B. 4403 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to establishing limitations on billing practices of Internet providers relating to customer outages; and establishing civil penalties”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Butler:

H. B. 4404 - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the Division of Highways read bids aloud; and removing antiquated language”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Miller, Dean, Toney, Paynter, Maynard, Lavender-Bowe, N. Brown, Swartzmiller, Caputo, Zukoff and Rohrbach:

H. B. 4405 - “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 Industry and Labor then the Judiciary.

By Delegates Nelson and Criss:

H. B. 4406 - “A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended, relating to the reproduction of checks and other records, and the preservation and disposition of originals”; to the Committee on Banking and Insurance.

By Delegates Cooper, Cadle, Campbell, J. Jeffries, Phillips, Atkinson, Sypolt, Hott, Mandt, Hartman and Jennings:

H. B. 4407 - “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 Higginbotham, Toney, Hanna, Pushkin, Bibby, Jennings and C. Martin:

H. B. 4408 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the State Board of Education to develop and implement an online database for the employment of school principals”; to the Committee on Education.

By Delegates Maynard, J. Jeffries, Householder, Summers, Jennings, Linville, Hanshaw (Mr. Speaker), Graves, Lovejoy, Miller and Nelson:

H. B. 4409 - “A Bill to amend and reenact §33-3-33a of the Code of West Virginia, 1939, as amended, relating to transferring remaining funds from the Volunteer Fire Department Workers’ Compensation Premium Subsidy Fund, at its existing sunset date of June 30, 2020, to the Fire Service Equipment and Training Fund

and the State Auditor's Chief Inspector's Fund"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Nelson, Criss, Westfall, Azinger, Estep-Burton, Lovejoy, Espinosa, Barrett, Bates, D. Jeffries and Capito:

H. B. 4410 - "A Bill to amend and reenact §31A-4-26 of the Code of West Virginia, 1931, as amended, relating to permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected up to \$25,000 or five percent of unimpaired capital and surplus to a maximum aggregate amount of \$500,000 without the prior approval of a majority of the board of directors or discount committee of the banking institution"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Nelson, Criss, Westfall, Azinger, Estep-Burton, Lovejoy, Espinosa, Bates, Barrett, Waxman and Capito:

H. B. 4411 - "A Bill to amend and reenact §31-17-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act; and adjusting the allowable final installment payment on mortgages loans"; to the Committee on Banking and Insurance.

By Delegates Fleischauer, Bibby, Jennings, Walker, Hansen, Cooper, Rowan, Butler, Pethtel, Longstreth and Angelucci:

H. B. 4412 - "A Bill to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to providing education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard"; to the Committee on Education.

By Delegates R. Thompson, N. Brown, Lovejoy, Miller, Hicks, Maynard, Rohrbach, Campbell, Evans, Tomblin and Angelucci:

H. B. 4413 - "A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers'

Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin's lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for 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. 9**), 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: Ellington, Hardy, Rowe 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. 2602) 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. 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. 10**), 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: Ellington, Hardy, Rowe 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. 2679) 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. 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. 11**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Canestraro, Lovejoy, McGeehan, Miller, Pushkin and Robinson.

Absent and Not Voting: Ellington, Hardy, Rowe 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. 2696) 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. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids; 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 86, nays 9, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bartlett, Cooper, Fast, Jennings, Pack, Steele, Summers, Waxman and Worrell.

Absent and Not Voting: Ellington, Hardy, Rowe, R. Thompson and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2922) 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. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website; 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. 13**), 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: Ellington, Hardy, Rowe 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. 2924) 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. 4010, Changing the licensing requirement for certain casino employees; on third reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules; 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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Hardy, Rowe 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. 4042) 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:

H. B. 4062, Reducing the cost of prescription drugs,

Com. Sub. for H. B. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees,

And,

Com. Sub. for H. B. 4096, Requiring candidates to live in the state or local election district for the office for which they are seeking.

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. 4017, Establishing country roads accountability and transparency,

Com. Sub. for H. B. 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state,

Com. Sub. for H. B. 4108, Relating generally to certificates of need for health care services,

H. B. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency,

And,

H. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hardy, Rowe and Wilson.

Miscellaneous Business

Delegate Espinosa noted to the Clerk that he was absent when the votes were taken on Roll Nos. 3, 4, 5, 6, 7 and 8, and had he been present, he would have voted “Yea” thereon.

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

- Delegates D. Kelly and Miller for H. B. 4119
- Delegate Toney for H. B. 4350
- Delegate Lovejoy for H. B. 4392

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

- Delegate Butler for H. C. R. 9

At 11:45 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 20, 2020.

Monday, January 20, 2020

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 17, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4096, on third reading, Special Calendar, had been transferred to the House Calendar.

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. 4207, Department of Administration, exemptions from management services provided by the fleet management division,

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. 4207) 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. J. R. 102, Providing the West Virginia Legislature rulemaking oversight of the board of education,

And reports the same back with the recommendation that it be adopted.

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. 4058, Relating to pharmacy benefit managers,

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

Com. Sub. for H. B. 4058 - "A Bill to amend and reenact §33-51-8 and §33-51-10 of the Code of West Virginia, 1931, as amended, all relating to pharmacy benefit managers; civil penalties; rules required,"

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. 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, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2185) 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. 4094, Continuing the Foster Care Ombudsman,

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

Com. Sub. for H. B. 4094 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the Foster Care Ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; providing funding for the ombudsman,"

With the recommendation that the committee substitute do pass.

On motion for leave a bill was introduced (Originating in the Committee on Senior, Children, and Family Issues 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 Rowan, Campbell, Rohrbach, Estep-Burton, Pyles, C. Martin, Boggs, Toney, Mandt, Lovejoy and Graves:

H. B. 4414 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-20, and §16-1-21 all relating to the selection of language and

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."

The Speaker referred the bill to the Committee on Health and Human Resources.

On motion for leave a bill was introduced (Originating in the Committee on Senior, Children, and Family Issues 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 Rowan, Rohrbach, Boggs, Estep-Burton, Pyles, C. Martin, Toney, Mandt, Lovejoy, Sypolt and Hanna:

H. B. 4415 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §15-3D-9, §49-6-116, and amending §§15-3D-3, 49-6-103, 49-6-105, 49-6-106, 49-6-110, 49-6-112, 49-6-113, and 49-6-114 all relating to missing and endangered children of this state."

The Speaker referred the bill (H. B. 4415) 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. 35 - "A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to an amount up to \$2,000"; 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. 46 - “A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-2 of said code, all relating to defining ‘pepper spray’; exempting pepper spray from definition of ‘deadly weapons’; providing that persons over 16 years of age may carry pepper spray for the purpose of self-defense; and providing that such persons may carry pepper spray in the State Capitol Complex”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 140 - “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

S. B. 170 - “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 sunseting the credit for income tax paid on foreign income in 2069”; 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. 207 – “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, and §7-4A-7, 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 prosecuting attorney’s detectives; providing for compensation of prosecuting attorney’s detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of prosecuting attorney’s detectives; and setting forth requirements for appointment as a prosecuting attorney’s detective”; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

S. B. 310 - “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; and specifying effective dates”; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Cooper, Pack, Bibby, Rowan, Hott and Cadle 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 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 died 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 Division of Highways is requested to erect signs containing bold and prominent letters proclaiming 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.

And,

Delegates Westfall 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. 20 - “Requesting the Division of Highways name bridge number 18-77-119.23 NB & SB(18A147, 18A148), Lat/Long: 38.58855, -81.64116 locally known as Spicewood Bridges NB & SB, carrying IS 77 over Spicewood Branch and CR 21/34 in Jackson County, the ‘U. S. Army PFC James Ray Miller Memorial Bridge’.”

Whereas, PFC James Ray Miller was born in Kenna, West Virginia on January 29, 1948; and

Whereas, James Ray Miller enlisted in the United States Army; and

Whereas, James Ray Miller was a member of C Company, 4th Battalion, 23rd Infantry, 25th Infantry Division; and

Whereas, James Ray Miller was deployed to Vietnam on March 10, 1968, and engaged the enemy forces in Tay Ninh Province on September 16, 1968, where he was killed in action; and

Whereas, James Ray Miller was awarded the Purple Heart, the National Defense, Vietnam Service and Vietnam Campaign medals for his valiant service for his country; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC James Ray Miller 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 18-77-119.23 NB & SB (18A147, 18A148), locally known as the Spicewood Bridges, carrying IS-77 over Spicewood Branch and CR 21/34 in Jackson County, the “U. S. Army PFC James Ray Miller 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 James Ray Miller 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 motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Linville, Rohrbach, Waxman, Little and Maynard:

H. J. R. 107 - “Proposing an amendment to the Constitution of the State of West Virginia, repealing article VI, section 56 thereof; and amending section 52, article VI thereof, giving the Legislature discretion in appropriating revenue generated from motor vehicle registrations and nongame wildlife motor vehicle registration plates; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Technology and Infrastructure then the Judiciary.

Bills Introduced

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

By Delegates Steele, Kessinger, Pack, Dean, Hill, Ellington, Shott, Maynard, Paynter, Hanna and Mandt:

H. B. 4420 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to creating the Opioid Litigation Fund; requiring all proceeds from opioid litigation and settlements be deposited into the fund and equally distributed to the children of opioid abusers; establishing eligibility criteria; setting forth the requirements of the State Treasurer; and requiring rule-making”; to the Committee on Health and Human Resources then Finance.

By Delegates Householder, J. Kelly, Criss, Westfall, Anderson, Storch, Graves, Rowan, Pack, Linville and Maynard:

H. B. 4421 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1 and §5B-2J-2; and to amend said code by adding thereto a new article, designated §11-13BB-1, §11-13BB-2, §11-13BB-3, §11-13BB-4, §11-13BB-5, §11-13BB-6, §11-13BB-7, §11-13BB-8 and §11-13BB-9, all relating creating the Natural Gas Liquids Economic Development Act of 2020; providing a short title; making legislative findings and declarations; defining terms; authorizing the Tax Commissioner to promulgate rules; providing a tax credit for production, transportation, storage, use and consumption of natural gas liquids, including related facilities; providing for carry forward of unused credits, providing for recapture of credits; providing for report to Legislature on tax credits applied; and providing for an effective date”; to the Committee on Energy then Finance.

By Delegates Boggs, Rohrbach, Ellington, Stagers, Westfall, Lovejoy, N. Brown, Hartman, Shott and Evans:

H. B. 4422 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, and §16-59-3, all relating to prohibiting patient brokering; defining terms; prohibiting causing or participating in acts that are intended to derive any benefit or profit from referral of a patient to a healthcare provider or health care facility; establishing criminal penalties for persons and business entities engaged in unlawful patient brokering; providing exceptions; and defining terms”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hill, Pack, Kessinger, Cowles, Worrell, Angelucci, Barrett, Diserio and Swartzmiller:

H. B. 4423 - “A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12 and §30-7D-13 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,

§16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9 and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing home; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing procedures by which AMAP must administer medication; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting”; to the Committee on Health and Human Resources.

By Delegates Staggers and Boggs:

H. B. 4424 - “A Bill to amend and reenact §16-4C-6 of the Code of West Virginia, 1931, as amended, relating to having a single command center of the office of Emergency Medical Services to be located in Sutton, West Virginia”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Linville, Howell, Rohrbach, Wilson, Maynard and Summers:

H. B. 4425 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating generally to the issuance of driver licenses; permitting the waiving of certain fees for individuals who have been diagnosed by a U.S. licensed optometrist or ophthalmologist as being legally blind; providing that proof that a person seeking a driver’s license is a veteran need only be provided upon the initial application and is not required for subsequent renewals; and providing that veterans over 65 years of age be granted a lifetime driver’s license subject to an eye

examination every five years”; to the Committee on Health and Human Resources then Finance.

By Delegates Doyle, Barrett, Householder and S. Brown:

H. B. 4426 - “A Bill to repeal §30-27-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; and to amend said code by adding thereto a new section, designated §30-27-8c, all relating to permits issued by the Board of Barbers and Cosmetologists; repealing the requirement for shampoo assistant to have permits; amending defined terms; and authorizing the board to establish an apprenticeship program for cosmetologists”; to the Committee on Government Organization.

By Delegates Hill, Pack, Atkinson, Criss, Summers and Estep-Burton:

H. B. 4427 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, §30-21A-12 and §30-21A-13, all relating to the Psychology Interjurisdictional Compact; providing for definitions; providing for increased public access to professional psychological services by permitted psychologists to practice across state lines; providing for temporary psychological services; providing for the state’s ability to protect the health and welfare of its citizens; providing for the cooperation and exchange of information in Compact States; providing for cooperation of Compact States in licensure and regulation; providing for adverse actions; providing for enforcement mechanisms for compliance with the Compact; providing for coordinated efforts between Compact States of holding psychologists accountable to the Compact; providing for effective dates of rules upon induction to the Compact; providing for duties and authority of the Commission; providing for election procedures for Commission members; providing for alternative dispute resolution methods; providing for venue for legal action taken against the Commission; providing for withdrawal from the Compact; and providing for construction and severability of the

terms of the Compact”; to the Committee on Health and Human Resources.

By Delegates Fleischauer, Hornbuckle, Walker, Lavender-Bowe, Estep-Burton, S. Brown, Pyles, Storch, Sypolt, Caputo and Zukoff:

H. B. 4428 - “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 and Dorothy Vaughan Fair Pay Act of 2020’; honoring Katherine Johnson and Dorothy Vaughan; 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; and limiting employers’ inquiry into applicants’ wage and salary history”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Graves, Anderson, Evans, McGeehan, Nelson, Pack and Pethtel:

H. B. 4429 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen’s or firemen’s pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Fast, C. Martin, Dean, Bibby, Hardy, P. Martin, Rowan, Hott, Howell and Toney:

H. B. 4430 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-20a, relating to creating the misdemeanor offense of falsely filing a complaint against a law-enforcement office; and providing a criminal penalty”; to the Committee on the Judiciary.

By Delegates Fast, C. Martin, Howell, Bibby, Hardy and P. Martin:

H. B. 4431 - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to notice of discontinuance of service by a utility”; to the Committee on the Judiciary.

By Delegates Pushkin, Shott and Kessinger:

H. B. 4432 - “A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the removal of limitations on the expungement of certain criminal convictions”; to the Committee on the Judiciary.

By Delegates Nelson and Criss:

H. B. 4433 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-2a, all relating to deeds of trust; form of deeds of trust; recording of memorandum of deeds of trust; how deeds of trust are construed; and the duties and rights of parties to a deed of trust”; to the Committee on the Judiciary.

By Delegates Summers, Hill, Pack, Cowles, Foster, Rowan, Worrell, Barrett, Diserio, Swartzmiller and Angelucci:

H. B. 4434 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4 and §5B-2J-5, all relating to the study of the health care workforce; setting forth legislative findings, defining terms; directing the Department of Commerce to research, survey, study, and issue a report; setting forth the contents of the research, survey, study and report; and deeming any documentary material, data or other writing made or received by the department for the purpose of conducting the research, survey, study, or report to be confidential trade secrets which are exempt from disclosure”; to the Committee on Health and Human Resources then Finance.

Special Calendar

Third Reading

H. B. 4010, Changing the licensing requirement for certain casino employees; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Howell asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Howell, the bill was amended on page ten, section four, line fifty-five, after the words “effective date of”, by striking out the words “this article” and inserting in lieu thereof the words “the amendments to this article enacted during the 2020 Regular Session”.

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. 15**), 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: Ellington and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4010) 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. 4062, Reducing the cost of prescription drugs; on third reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees; 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 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4091) passed.

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

Com. Sub. for H. B. 4091 – “A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment of applicable expedited fees; allowing expedited oil and gas well permit modifications under the same Act upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited in the Oil and Gas Operating Permit and Processing Fund; permitting one half of any residual fees to be deposited in the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of the modification fees between day 20 and day 30 after the submission of a permit modification application; providing for a maximum cap amount of \$1 million for all residual fees from this article to be deposited in the Oil and Gas Operating Permit and Processing Fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund.”

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. 4017, Establishing country roads accountability and transparency; 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. 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state; 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 twenty, line one, after the phrase “provided by this”, by striking out the word “article” and inserting in lieu thereof the word “chapter”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4108, Relating generally to certificates of need for health care services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page two, section one-a, line eleven, following the word “unable”, by striking out the word “to” and inserting in lieu thereof “or”.

An amendment offered by Delegates Fleischauer and Summers, was reported by the Clerk on page two, section one-a, lines twenty-one through twenty-four, by striking out subsection (d) in its entirety, and inserting in lieu thereof the following:

“(d) For projects limited to the construction or replacement of one or more residential dwellings, the state agency responsible for overseeing the work may, in its discretion, choose not to require an entity to whom the contract is awarded to furnish payment or performance bonds, but only if it clearly indicates in the solicitation for bids that payment or performance bonds will not be required.”

Delegate Fleischauer then asked and obtained unanimous consent to reform the amendment.

On motion of Delegates Fleischauer and Summers, the bill was amended on page two, section one-a, lines twenty-one through twenty-four, by striking out subsection (d) in its entirety, and inserting in lieu thereof the following:

“(d) For projects limited to the construction or replacement of one or more residential dwellings or appurtenances, the state agency responsible for overseeing the work may, in its discretion, choose not to require an entity to whom the contract is awarded to furnish payment or performance bonds, but only if it clearly indicates in the solicitation for bids that payment or performance bonds will not be required.”

The bill was then ordered to engrossment and third reading.

H. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December; 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. 2086, Uniform Real Property Electronic Recording Act,

Com. Sub. for H. B. 4077, Increasing the amount of the bond required to be posted by proprietary schools,

Com. Sub. for H. B. 4119, Establishing the crime of torture,

Com. Sub. for H. B. 4275, Fire Commission, state fire code,

H. B. 4417, Relating to permitting professional boards,

And,

H. B. 4419, Relating to the Controlled Substance Monitoring Database.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate Porterfield for H. B. 2309, H. B. 2775, H. B. 4002, H. B. 4140, H. B. 4146, H. B. 4149, H. B. 4229, H. B. 4297, H. B. 4393 and H. B. 4406
- Delegates Butler and McGeehan for H. C. R. 8

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 21, 2020.

Tuesday, January 21, 2020

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 20, 2020, 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. 4215, Commissioner of Agriculture, captive cervid farming,

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. 4215) 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. 4208, Commissioner of Agriculture, animal disease control,

H. B. 4209, Commissioner of Agriculture, fresh food act,

H. B. 4210, Commissioner of Agriculture, poultry rules for hatcheries, growers and contractors pertaining to poultry disease control and eradication,

H. B. 4211, Commissioner of Agriculture, grade "A" pasteurized milk,

H. B. 4212, Commissioner of Agriculture, WV manufacture-grade milk,

H. B. 4213, Commissioner of Agriculture, WV exempted dairy farms and milk and milk products processing rules,

H. B. 4214, Commissioner of Agriculture, West Virginia spay neuter assistance program,

H. B. 4260, Commissioner of Agriculture, auctioneers,

H. B. 4261, Commissioner of Agriculture, employment reference and inquiries and background checks,

H. B. 4262, Commissioner of Agriculture, industrial hemp,

And,

H. B. 4264, Commissioner of Agriculture, farmers markets,

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. 4208, H. B. 4209, H. B. 4210, H. B. 4211, H. B. 4212, H. B.

4213, H. B. 4214, H. B. 4260, H. B. 4261, H. B. 4262 and H. B. 4264) were each referred to the Committee on the Judiciary.

Delegate Atkinson, 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. 4224, Division of Forestry, sediment control during commercial timber-harvesting operations-licensing,

H. B. 4225, Division of Forestry, sediment control during commercial timber-harvesting operations-logger certification,

H. B. 4236, Division of Natural Resources, commercial whitewater outfitters,

H. B. 4237, Division of Natural Resources, transporting and selling wildlife pelts and parts,

H. B. 4238, Division of Natural Resources, boating rule,

H. B. 4239, Division of Natural Resources, special requirements concerning boating,

H. B. 4240, Division of Natural Resources, defining the terms used in all hunting and trapping,

H. B. 4241, Division of Natural Resources, prohibitions when hunting and trapping,

H. B. 4242, Division of Natural Resources, catching and selling bait fish,

H. B. 4243, Division of Natural Resources, falconry,

H. B. 4305, Division of Natural Resources, special boating rule,

H. B. 4306, Division of Natural Resources, public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails,

H. B. 4307, Division of Natural Resources, special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails,

And,

H. B. 4308, Division of Natural Resources, special fishing rule,

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. 4224, H. B. 4225, H. B. 4236, H. B. 4237, H. B. 4238, H. B. 4239, H. B. 4240, H. B. 4241, H. B. 4242, H. B. 4243, H. B. 4305, H. B. 4306, H. B. 4307 and H. B. 4308) were each 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. 4216, West Virginia Board of Dentistry, rule for the West Virginia Board of Dental Examiners,

H. B. 4231, Division of Labor, supervision of plumbing work,

H. B. 4232, Division of Labor, regulation of heating, ventilating and cooling work,

H. B. 4235, Division of Motor Vehicles, state vehicle title, registration and relicensing project of 2018,

H. B. 4244, Board of Occupational Therapy, fees for services rendered by the board,

H. B. 4252, Board of Accountancy, board rules and rules of professional conduct,

H. B. 4258, Board of Architects, registration of architects,

H. B. 4259, Board of Architects, fees for registration of architects,

H. B. 4269, West Virginia Board of Dentistry, dental advertising,

H. B. 4304, Division of Motor Vehicles, safety and treatment program,

H. B. 4327, Board of Registration for Professional Engineers, examination, licensure and practice of professional engineers,

H. B. 4328, Board of Professional Surveyors, examination and licensing of professional surveyors in West Virginia,

H. B. 4339, Board of Social Work, qualifications for the profession of social work,

H. B. 4340, Board of Social Work, fee schedule,

H. B. 4341, Board of Speech-Language Pathology and Audiology, licensure of speech-pathology and audiology,

H. B. 4342, Board of Speech-Language Pathology and Audiology, disciplinary and complaint procedures for speech-language pathology and audiology,

H. B. 4345, Board of Veterinary Medicine, organization and operation and licensing of veterinarians,

H. B. 4346, Board of Veterinary Medicine, registration of veterinary technicians,

And,

H. B. 4347, Board of Veterinary Medicine, schedule of fees,

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. 4216, H. B. 4231, H. B. 4232, H. B. 4235, H. B. 4244, H. B. 4252, H. B. 4258, H. B. 4259, H. B. 4269, H. B. 4304, H. B. 4327, H. B. 4328, H. B. 4339, H. B. 4340, H. B. 4341, H. B. 4342, H. B. 4345, H. B. 4346 and H. B. 4347) were each 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. 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising,

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

Com. Sub. for H. B. 4388 - "A Bill to amend and reenact §11-16-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-18 and §11-16-22 of said code; to amend and reenact §60-2-15 of said code; to amend and reenact §60-8-23 of said code, all relating to removing restrictions on advertising, equipment and services by licensees; adding legislative findings; removing restrictions on equipment, fixtures, signs, and supplies; limiting advertising restrictions to false or misleading advertising, irresponsible consumption, and that which targets underage consumption; clarifying that exterior signs are governed by the Division of Highways; eliminating antiquated rule-making language; and limiting promulgation and enforcement of legislative rules,"

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. 4002, Creating a felony crime relating to drug delivery resulting in death,

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

Com. Sub. for H. B. 4002 - "A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to creating a felony crime of delivery of a controlled substance or a counterfeit controlled substance with reckless disregard for the health, safety, and welfare of others, for an illicit purpose, and the use, ingestion, consumption, or exposure thereof causes death,"

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. 4393, Relating to making suffocation and asphyxiation crimes,

And,

Com. Sub. for S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot,

And reports the same back with the recommendation that they each 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. 16 – “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, §1-7-3, and §1-7-4, all relating generally to protecting an individual’s constitutional right to privacy in association; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that a public agency may not require a nonprofit entity to disclose the entity’s donor or membership information, subject to certain exceptions; providing that donor or membership information obtained by a public agency may not be released, subject to certain exceptions; providing that membership and donor information is exempt from the disclosure requirements of the state’s Freedom of Information Act; permitting disclosure of records when donor or membership information is redacted; permitting compliance with a lawful court order; providing that an individual has a private cause of action to enjoin unlawful disclosure of donor or membership information and to recover actual damages; providing for the payment of attorney’s fees and costs in certain circumstances; and providing for treble damages in certain circumstances”; 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. 42 - “A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to permitting the county boards of education to include faith-based electives in classroom drug prevention programs”; referred to the Committee on Education.

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. 225 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-20, relating to empowering municipalities to

enact Adopt-A-Street programs; and establishing eligibility criteria”; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Atkinson, Westfall, D. Jeffries, Criss, J. Kelly, D. Kelly 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. 21 - “Requesting the Division of Highways name bridge number 44-79-25 79 NB & SB (34A124, 34A135), locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the ‘U. S. Army Specialist Four, Franklin D. Ashley II Memorial Bridge’.”

Whereas, Franklin D. Ashley II was born September 11, 1949, in Charleston, West Virginia, son of Franklin and Katherine Ashley; and

Whereas, He graduated from Spencer High School on May 25, 1967; and

Whereas, He enlisted in the United States Army on February 26, 1968; and

Whereas, He died March 21, 1969, in Vietnam from burns and injuries received while a crew chief on a military aircraft which crashed and burned; and

Whereas, He received the Army Commendation Medal (presented posthumously); the Air Medal (First through Twenty-First Oak Leaf Clusters) (presented posthumously); the National Defense Service Medal; the Vietnam Service Medal with 4 bronze service stars; the Republic Of Vietnam Campaign Ribbon W/Device; the Expert Badge with Rifle Bar; and the Army Aviation Badge Basic; and

Whereas, He distinguished himself by meritorious achievement while participating in sustained aerial flight in support of combat ground forces of the Republic of Vietnam during the period October 2, 1968, to March 20, 1969; and during this time, he actively participated in more than 25 aerial missions over hostile territory in support of counterinsurgency operations, during all of these missions he displayed the highest order of air discipline and acted in accordance with the best traditions of the service. By his determination to accomplish his mission in spite of the hazards inherent in repeated aerial flights over hostile territory and by his outstanding degree of professionalism and devotion to duty, he has brought credit upon himself, his organization, and the military service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Specialist Four, Franklin D. Ashley II 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 44-79-25, locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the “U. S. Army Specialist Four, Franklin D. Ashley II 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 Specialist Four, Franklin D. Ashley II Memorial Bridge”; and, be it

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

Delegates Pack, C. Martin, D. Jeffries, Steele, J. Jeffries, Hill, Toney, Cadle, Paynter, Bartlett, Phillips, Barnhart, Bibby, N. Brown, Butler, Cooper, Dean, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hott, Jennings, D. Kelly, Kessinger, Linville, Little, Mandt, Maynard, McGeehan, Queen, Rodighiero,

Rohrbach, Rowan, Skaff, Summers, Sypolt, Tomblin, Waxman, Westfall and Worrell offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 22 - “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.

Delegates Hartman, Sponaugle, C. Thompson, Boggs, N. Brown and Caputo 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 42-48-42.37 NB & SB(42A202, 42A203), (38.95410,-79.85749) locally known as Laurel Mountain Road Bridges, carrying US 48 over CR11 and US 219 in Randolph County, the 'U. S. Army Spec. 4, Roger Dale Griffith Memorial Bridge'."

Whereas, Roger Dale Griffith was born on August 20, 1947, in Elkins, West Virginia, the son of Lester F. Griffith and Ora Griffith; and

Whereas, Roger Dale Griffith graduated from Elkins High School; and

Whereas, Roger Dale Griffith enlisted in the US Army and gained the rank as a Specialist 4; and

Whereas, Roger Dale Griffith arrived in Vietnam on July 11, 1967, where he served as a light infantry weapons soldier in A Company, 4th Battalion, 9th Infantry, 25th Infantry Division; and

Whereas, Specialist Griffith was killed on January 4, 1968, as a result of multiple gunshot wounds after his platoon was attacked by a large North Vietnamese Army Force while on a patrol in Tay Ninh Province, South Vietnam; and

Whereas, Specialist Griffith was awarded the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal with one bronze star, the National Defense Medal, Distinguished Unit Citation, Vietnam Gallantry Cross Unit Citation, Good Conduct Medal and the Combat Infantry Badge (CIB); and

Whereas, Specialist Griffith's name is listed on the Vietnam Memorial Wall in Washington, D.C., Panel 33A, Line 36 and is buried in Mountain State Memorial Gardens in Gilman, Randolph County; and

Whereas, It is fitting that an enduring memorial be established to commemorate Army Specialist 4, Roger Dale Griffith 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 42-48-42.37 NB & SB (42A202, 42A203), (38.95410,-79.85749) locally known as the Laurel Mountain Road Bridges, carrying US 48 over CR11 and US 219 in Randolph County, the "U. S. Army Specialist 4, Roger Dale Griffith Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U. S. Army Specialist 4 Roger Dale Griffith Memorial Bridge"; and, be it

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

And,

Delegates Rodighiero, Tomblin, Hicks, Miller, Evans and R. 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. 24 – “Requesting the Division of Highways 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’.”

Whereas, Private First Class Glenn Perdue, Technician 5th 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 married Mary Stollings Perdue 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 512th Military Police Battalion Reunion; and

Whereas, Private Glenn Perdue served in the 512th 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, Technician 5th Grade Charley Perdue was born on August 29, 1919, and died on August 16, 1988; and

Whereas, Technician 5th Grade Charley Perdue was married to Marie Burton Perdue, now deceased; and

Whereas, Technician 5th Grade Charley Perdue entered the U. S. Army on October 8, 1941, and was honorably discharged on November 28, 1945; and

Whereas, Technician 5th Grade Charley Perdue served in Reconnaissance Company, 2nd Armored Regiment, and was part of the following battles and campaigns: Ardennes, Rhineland and Central Europe; and

Whereas, Technician 5th 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, After the service, Technician 5th 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 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.

Bills Introduced

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

By Delegates McGeehan, Phillips and Paynter:

H. B. 4435 - “A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to granting counties and municipalities a portion of the net

terminal income from racetrack video lottery”; to the Committee on the Judiciary then Finance.

By Delegates Westfall, Summers, Queen, Waxman, Storch, Nelson and Kessinger:

H. B. 4436 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-1, relating to the American Law Institute Restatement of Law, Liability Insurance interpretation limitation”; to the Committee on the Judiciary.

By Delegates J. Jeffries, Toney and Maynard:

H. B. 4437 - “A Bill to amend and reenact §12-3A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Pay Card program; and providing additional eligible unbanked recipients of a pay card”; to the Committee on Government Organization.

By Delegates Espinosa, Householder, Barrett and Storch:

H. B. 4438 - “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.

By Delegates Householder, Criss, Butler, Anderson, Rowan, Linville, Graves, Maynard, Barrett and Boggs:

H. B. 4439 - “A Bill to amend and reenact §11-13EE-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the method for calculating the amount of severance tax attributable to the increase in coal production at a mine due to new qualifying capital investments”; to the Committee on Energy then Finance.

By Delegates Fluharty, Foster, Canestraro, Storch, Barrett, Hill, Bates, Shott, Hornbuckle, Staggers and Pushkin:

H. B. 4440 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting the home schooling of children in certain circumstances; and prohibiting home schooling when a custodial parent or the person instructing the child is suspected or convicted of child abuse or neglect; and when either custodial parent or a person instructing the child has been convicted of domestic violence”; to the Committee on Education then the Judiciary.

By Delegate McGeehan:

H. B. 4441 - “A Bill to amend and reenact §6-9A-4 of the Code of West Virginia, 1931, as amended, relating to provide that political party caucus meetings are not exempt from open proceedings requirements”; to the Committee on Government Organization then the Judiciary.

By Delegates Pack, Howell, Hanshaw (Mr. Speaker), Graves and Steele:

H. B. 4442 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality’s police”; to the Committee on Political Subdivisions then Finance.

By Delegates Barrett, Householder, Criss, Bates, Williams, Hill, Graves, Boggs, Sponaugle, Storch and Skaff:

H. B. 4443 - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to and 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; providing for an additional fee; providing for reduction of a fee; and setting out conditions and limitations for collection and use of the additional fee”; to the Committee on Government Organization then Finance.

By Delegates Linville, Rohrbach, Lovejoy, Mandt, Worrell, Miller, Maynard, Little, Summers, Hanshaw (Mr. Speaker) and D. Kelly:

H. B. 4444 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1; to amend said code by adding thereto a new article, designated §29-33-1; and to amend said code by adding thereto a new article, designated §29-34-1, all relating to establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers; creating the Emergency Medical Services Honor Board, the Firefighters Honor Board, and the Law-Enforcement Officers Honor Board; establishing Medals of Honor for those EMS personnel, firefighters and law-enforcement officers who go above and beyond ‘the call of duty’; and establishing membership and duties of the boards”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Linville, Hansen, Summers, Householder, Skaff, Maynard, Criss and Queen:

H. B. 4445 - “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 2020 for the purpose of income tax relief, by state, county, and municipal government, to new or existing 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; limiting the tax relief to a maximum period of eight years; and providing for rule making”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Graves, J. Kelly, Higginbotham, Maynard, Summers, Pack, Kessinger, Steele, Hanna, Linville and Hanshaw (Mr. Speaker):

H. B. 4446 - “A Bill to amend and reenact §22-3-15 of the Code of West Virginia, 1931, as amended, relating to requiring inspections of surface coal mining operations be coordinated with inspections made by federal inspectors from the Department of the Interior and the Environmental Protection Agency”; to the Committee on Energy.

By Delegates Lavender-Bowe, Lovejoy, Campbell, Pack, Evans, Zukoff, Boggs, Walker, Graves, Paynter and Estep-Burton:

H. B. 4447 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5S-9a, relating to creation of the shared table initiative for senior citizens who suffer from food insecurity; stating findings; acknowledging the success of a similar initiative in public schools; stating the purpose of the bill; granting rule-making authority with certain minimum contents; stating certain requirements for guidelines and guidance policies; stating certain requirements regarding health guidelines, compliance, and coverage; authorizing certain collaboration; and authorizing the Bureau for Senior Services to make certain requirements”; to the Committee on Senior, Children, and Family Issues then Government Organization.

By Delegates Householder, Criss, Westfall, Graves, Anderson, Storch, Linville and Boggs:

H. B. 4448 - “A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the commissioner’s operating fund, into the Workers’ Compensation Old Fund to reduce any deficit balance of the Old Fund”; to the Committee on Finance.

By Delegates Graves, Linville, Skaff, Swartzmiller, Storch, Higginbotham, Hanna, Barrett, Boggs, Westfall and Nelson:

H. B. 4449 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-

37a, relating to requiring state purchases of certain items to be made from authorized dealers in this state rather than directly from the manufacturers in certain circumstances”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegate Butler:

H. B. 4450 - “A Bill to amend and reenact §17B-2-5 of the Code of West Virginia, 1931, as amended, relating to instruction permits issued by the Division of Motor Vehicles; and changing the expiration date of instruction permits issued to persons who have reached the age of 18 years from 90 days to six months”; to the Committee on Technology and Infrastructure then Government Organization.

Special Calendar

Third Reading

Com. Sub. for H. B. 4017, Establishing country roads accountability and transparency; 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 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4017) 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. 4020, Removing authority of municipalities to require occupational licensure if licensure for the

occupation is required by the state; 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 61, nays 38, 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, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Skaff, Sponaugle, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4020) 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. 4062, Reducing the cost of prescription drugs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 19**), 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: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4062) 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. 4108, Relating generally to certificates of need for health care services; on third reading, coming up in regular order, was read a third time.

During debate, Delegate Graves arose to a point of order regarding the content of remarks by Delegate McGeehan, and the Speaker reminded the Members to address the merits of the bill.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 20**), 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: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4108) 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. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency; 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 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4130) passed.

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

On this question, the yeas and nays were taken (**Roll No. 22**), 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: Rowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4130) 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. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December; 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 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4141) 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. 2086, Uniform Real Property Electronic Recording 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. 4077, Increasing the amount of the bond required to be posted by proprietary 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. 4119, Establishing the crime of torture; 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. 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegates Fleischauer and Westfall, was reported by the Clerk, on page one, section one, line eight, following the word “authorized”, by striking out the period and inserting a colon and the following: “ with the following amendment: ‘on page 4, section 4 of the rule, by striking out the provisions of 4.1.k.1. in its entirety.’”

Delegate Summers asked unanimous consent to advance the bill to third reading with the amendment pending, which request was not granted, objection being heard.

Subsequently, on motion of Delegate Summers, the bill was postponed one day.

H. B. 4417, Relating to permitting professional boards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4419, Relating to the Controlled Substance Monitoring Database; 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 and resolution, on first reading, coming up in regular order, were each read a first time and ordered to second reading:

H. J. R. 102, Providing the West Virginia Legislature rulemaking oversight of the board of education,

Com. Sub. for H. B. 4058, Relating to pharmacy benefit managers,

And,

Com. Sub. for H. B. 4094, Continuing the Foster Care Ombudsman.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Rowe.

Miscellaneous Business

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

- Delegate Espinosa for H. B. 4146, H. B. 4149 and H. B. 4361
- Delegate Miller for H. B. 4002
- Delegates Azinger, Criss and Williams for H. C. R. 8
- Delegate Porterfield for H. B. 4211, H. B. 4212, H. B. 4213, H. B. 4221, H. B. 4223, H. B. 4234, H. B. 4236, H. B. 4243, H. B. 4304, H. B. 4308, H. B. 4311, H. B. 4328 and H. B. 4345
- Delegate Sybolt for H. B. 4063, H. B. 4114 and H. B. 4115
- Delegate Pack for H. B. 4057
- Delegate Bartlett for H. B. 4115
- Delegate Toney for H. B. 2785, H. B. 2888 and H. B. 3034
- Delegate Hansen for H. B. 4171

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

- Delegate Williams for H. C. R. 8

At 12:16 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 22, 2020.

Wednesday, January 22, 2020

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 21, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. J. R. 102 and Com. Sub. for H. B. 4094, on second reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4388, on first reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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. 4361, Relating to insurance law violations,

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. 4361) 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. 4229, Insurance Commission, Medicare supplement insurance,

And,

H. B. 4297, Insurance Commission, credit for reinsurance,

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. 4229 and H. B. 4297) were each 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. 4410, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected,

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. 4410) 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. 4166, Prohibiting certain sex offenders from being in a supervisory position over children,

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. 4129, Relating to adoption,

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

Com. Sub. for H. B. 4129 - "A Bill to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as amended, all relating to adoption; providing for the location of the adoption hearing; and eliminating a waiting period,"

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. 4092, 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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4092) was referred to the Committee on Finance.

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

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

H. B. 4317, Board of Pharmacy, Board of Pharmacy rules for registration of pharmacy technicians,

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. 4317) was referred to the Committee on the Judiciary.

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

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

H. B. 4246, Board of Pharmacy, Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns,

H. B. 4247, Board of Examiners for Registered Professional Nurses, requirements for registration and licensure and conduct,

H. B. 4254, Board of Acupuncture, auricular detoxification therapy certificate,

H. B. 4301, Medical Imaging and Radiation Therapy Technology Board of Examiners, rules relating to board,

H. B. 4302, Board of Medicine, licensure, disciplinary and complaint procedures, continuing education, physician assistants,

H. B. 4312, Board of Optometry, rules for the West Virginia Board of Optometry,

H. B. 4313, Board of Osteopathic Medicine, osteopathic physician assistants,

H. B. 4315, Board of Pharmacy, licensure and practice of pharmacy,

H. B. 4316, Board of Pharmacy, record keeping and automated data processing systems,

H. B. 4318, Board of Pharmacy, Board of Pharmacy rules for centralized prescription processing,

H. B. 4319, Board of Pharmacy, regulations governing pharmacy permits,

H. B. 4320, Board of Pharmacy, regulations governing pharmacists,

H. B. 4322, Board of Physical Therapy, general provisions for physical therapist and physical therapist assistants,

H. B. 4323, Board of Physical Therapy, fees for physical therapist and physical therapist assistant,

H. B. 4324, Board of Physical Therapy, general provisions for athletic trainers,

H. B. 4325, Board of Physical Therapy, fees for athletic trainers,

H. B. 4335, Board of Examiners for Registered Professional Nurses, request for waiver of initial licensing fees for certain individuals,

H. B. 4336, West Virginia Board of Respiratory Care, establishment of fees,

And,

H. B. 4337, West Virginia Board of Respiratory Care, student limited permit,

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. 4246, H. B. 4247, H. B. 4254, H. B. 4301, H. B. 4302, H. B.

4312, H. B. 4313, H. B. 4315, H. B. 4316, H. B. 4318, H. B. 4319, H. B. 4320, H. B. 4322, H. B. 4323, H. B. 4324, H. B. 4325, H. B. 4335, H. B. 4336 and H. B. 4337) were each referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 4348, Department of Environmental Protection, West Virginia surface mining reclamation rule,

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. 4348) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 4221, Department of Environmental Protection, groundwater protection rules for coal mining operations,

H. B. 4223, Department of Environmental Protection, voluntary remediation and redevelopment rule,

H. B. 4233, Office of Miner's Health, Safety and Training, substance abuse screening, standards and procedures,

H. B. 4234, Office of Miner's Health, Safety and Training, rules governing the certification, recertification and training of EMT-miners and EMT-M instructors,

And,

H. B. 4311, Oil and Gas Conservation Commission, rules of the commission,

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. 4221, H. B. 4223, H. B. 4233, H. B. 4234 and H. B. 4311) were each referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 4146, Relating to credit for reinsurance,

And,

H. B. 4149, Relating to insurance,

And reports the same back with the recommendation that they 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. 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act,

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

Delegate Bibby, 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. 3, Researching and making recommendations regarding construction of a veterans' nursing home facility in Summers County,

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

Com. Sub. for H. C. R. 3 – “Requesting the West Virginia Department of Veterans Assistance to research and make recommendations regarding construction of a veterans' nursing home facility in Summers County,”

With the recommendation that the committee substitute be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (Com. Sub. for H. C. R. 3) was referred 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. 4011, Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions,

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

Com. Sub. for H. B. 4011 - “A Bill 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, §30-2-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15 and §30-2-16 of the code of West Virginia, 1931, as amended; 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, §30-6-18, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; 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, §30-9-18, §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 of said code; 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 of said code; 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; 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 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, and §30-17-18, §30-17-19 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; 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 of said code; to amend and reenact §30-1-5 and §30-1-19 of said code; to amend said code by adding thereto a new article, designated §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, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, §30A-1-29, and §30A-1-30; to amend said code by adding thereto a new article, designated §30A-1B-1, §30A-1B-2, §30A-1B-3, §30A-1B-4, §30A-1B-5, §30A-1B-6, §30A-1B-7, and §30A-1B-8; to amend said code by adding thereto a new article, designated §30A-1C-1, §30A-1C-2, §30A-1C-3, and §30A-1C-4; to amend said code by adding thereto a new article, designated §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §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-2-18, §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, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §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-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §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-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §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-5-14, §30A-5-15, §30A-5-16, and §30A-5-17; to amend said code by adding thereto a new article, designated §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 amend said code by adding thereto a new article, designated §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, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and §30A-7-28; to amend said code by adding thereto a new article, designated §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, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to amend said code by adding thereto a new article, designated §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-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §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-11-12, §30A-11-13, §30A-11-14, §30A-11-15, §30A-11-16, §30A-11-17, §30A-11-18, an §30A-11-19; to amend said code by adding thereto a new article, designated §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, and §30A-12-17; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12, §30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, §30B-1-28, and §30B-1-29; to amend said code by adding thereto a new article, designated §30B-1B-1, §30B-1B-2, §30B-1B-3, §30B-1B-4, §30B-1B-5, §30B-1B-6, §30B-1B-7, and §30B-1B-8; to amend said code by adding thereto a new article, designated §30B-1C-1, §30B-1C-2, §30B-1C-3, and §30B-1C-4; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding there to a new article, designated §30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17,

§30B-5-18, §30B-5-19, §30B-5-20, §30B-5-21, §30B-5-22, §30B-5-23, §30B-5-24, §30B-5-25, §30B-5-26, and §30B-5-27; to amend said code by adding thereto a new article, designated §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, §30B-6-17, §30B-6-18, §30B-6-19, §30B-6-20, and §30B-6-21, all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for nonmedical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; adding a new article conforming the provisions of the articles in Chapter 30A with those in the original Chapter 30 which provide for consideration of military training and experience, and for suspension of fees and continuing education requirements for members of the armed forces on active duty and for spouses accompanying such members; adding a new article conforming the provisions of these articles with those in the original Chapter 30 which provide for recognition of training and apprenticeship programs and requiring the proposal of legislative rules therefor; continuing rules previously promulgated by the boards; placing articles for the licensing authorities for nonmedical occupations that do not require a minimum of a baccalaureate degree in a new Chapter 30B; and adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; adding a new article

conforming the provisions of the articles in Chapter 30B with those in the original Chapter 30 which provide for consideration of military training and experience, and for suspension of fees and continuing education requirements for members of the armed forces on active duty and for spouses accompanying such members; adding a new article conforming the provisions of these articles with those in the original Chapter 30 which provide for recognition of training and apprenticeship programs and requiring the proposal of legislative rules therefor; and continuing rules previously promulgated by the boards,”

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 125 - “A Bill to amend and reenact §61-8B-11 of the Code of West Virginia, 1931, as amended, relating generally to evidence in prosecution for sexual offenses; prohibiting a victim from being subjected to certain physical examinations; providing that a victim’s refusal to undergo certain physical examinations does not preclude admission of evidence regarding other physical examinations; and defining the term ‘sexual offense’”; 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. 217 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce

Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement”; which was referred to the Committee on Health and Human Resources.

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 and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of 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 rules for the general administration of records management and preservation; authorizing the Department of Administration to promulgate a legislative rule relating to retention and disposal scheduling; authorizing the Department of Administration to promulgate a legislative rule relating to management of records maintained by the records center; authorizing the Department of Administration to promulgate a legislative rule relating to exemptions from management services provided by the fleet management division; authorizing the Department of Administration to promulgate a legislative rule relating to financial services reporting; and authorizing Public Defender Services to promulgate a legislative rule relating to payment of fees and reimbursement of expenses of court-appointed attorneys”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates R. Thompson, Hicks, N. Brown, Tomblin and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 25 - "Requesting the Division of Highways name bridge number 50-152-5.70 (50A112) (37.99842, -82.40667), 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 school children 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 name bridge number 50-152-5.70 (50A112) (37.99842, -82.40667), 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 Hanshaw (Mr. Speaker), Fast, D. Kelly and Kessinger 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 a portion of Cannelton Road starting from Route 16 up to the Mount Olive Correctional Complex, in Fayette County, as being ‘In Memory of Fallen Corrections Officers’.”

Whereas, The State of West Virginia seeks to honor the memory of fallen Division of Corrections officers in West Virginia; and

Whereas, In order to honor the memory of Parole Officer Pauline Stewart, Correctional Officer William Edger Quilliams, Correctional Officer James Paugh, Guard Stanton V. Gillum, Guard Philip Perry Ketchem, and Prison Guard Earl Langfitt, among others; and

Whereas, Division of Corrections officers regularly engage in high-stress and high-risk roles to ensure the safety of prisoners and fellow guards, and to maintain law and order in such facilities; and

Whereas, It is fitting that an enduring memorial be established to commemorate such fallen Division of Corrections officers and their legacy to 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 a portion of Cannelton Road starting from Route 16 up to the Mount Olive Correctional Complex, in Fayette County, as being “In Memory of Fallen Corrections Officers”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as being ‘In Memory of Fallen Corrections Officers’; and, be it

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

And,

Delegates 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. 27 - “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, Marion County and attended Rivesville High School, was drafted in 1951 and was stationed at Camp Roberts, California in 1952 with the Lucky 7th 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 erect signs containing bold and prominent letters 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.

Bills Introduced

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

By Delegates Foster, Jennings, McGeehan, Fast, Toney, Bibby, Bartlett, Butler, Angelucci, Howell and Espinosa:

H. B. 4451 - “A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to charging fees for municipal services and prohibiting municipalities from assessing fees to people on the basis of employment within the municipal boundaries”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Maynard, Hill, Barnhart, Worrell, Westfall, Phillips, J. Jeffries, Cooper, Hardy, Kessinger and Bibby:

H. B. 4452 - “A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-52, and §11A-3-55 of the Code of West Virginia, 1931, as amended, all relating generally to notice requirements on tax collections conducted by the State Auditor”; to the Committee on the Judiciary.

By Delegates Foster, D. Jeffries and Jennings:

H. B. 4453 - “A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-9 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure and the renewal of licensure”; to the Committee on Government Organization.

By Delegate Linville:

H. B. 4454 - “A Bill to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended, relating to restitution to the state for the reimbursement of costs incurred for misuse of public funds”; to the Committee on the Judiciary then Finance.

By Delegates Criss and Little:

H. B. 4455 - “A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure; and permitting the term ‘criminal recording keeping’ to include data creation”; to the Committee on Finance.

By Delegates Maynard, Westfall, Rohrbach, Steele, Worrell, Azinger, Linville, Howell, Paynter and J. Jeffries:

H. B. 4456 - “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to allowing a member of a volunteer fire department to purchase a resident lifetime license issued and administered by the Director of the Division of Natural Resources for 50 percent of the applicable license fee”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Maynard, Rohrbach, Paynter, Evans and Dean:

H. B. 4457 - “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 Delegates Householder, Barrett, Bates, Butler, Storch, Graves, Rowan, Pack, Linville, Maynard and Criss:

H. B. 4458 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7, relating to requiring executive branch agencies to maintain internet posting of certain information”; to the Committee on Government Organization.

By Delegates Hamrick, Hardy, Bibby and Higginbotham:

H. B. 4459 - “A Bill to amend and reenact §11-21-16 of the Code of West Virginia, 1931, as amended, relating to allowing a personal income tax deduction for a foster care child”; to the Committee on Health and Human Resources then Finance.

By Delegates Criss, Householder, Barrett, Kessinger and Graves:

H. B. 4460 - “A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section designated §11-1C-10a; to amend and reenact §11-3-24 and §11-3-25 of said code; to amend reenact §11-10A-8 of said code, all relating to the valuation of natural resources property and providing an alternate method of appeal of proposed valuation natural resources property for ad valorem property tax purposes; and providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes”; to the Committee on Energy then Finance.

By Delegate Hanshaw (Mr. Speaker):

H. B. 4461 - “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, 2020, whichever occurs first”; to the Committee on Finance.

By Delegates Steele, Bates, Higginbotham, Kessinger, Pack and Toney:

H. B. 4462 - “A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the calculation of business and occupation tax on the business of generating or producing or selling electricity from solar energy facilities; and clarifying that rate of tax for generating units utilizing solar photovoltaic methods shall equal eight percent of official capacity of the unit for the taxable period beginning January 1, 2020”; to the Committee on Finance.

By Delegates Howell, Sypolt, J. Jeffries, Hott and C. Martin:

H. B. 4463 - “A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to prequalification of vendors for state contracts, allowing for prequalification agreements for the purchase of services and removing obsolete terms”; to the Committee on Government Organization.

By Delegate Butler:

H. B. 4464 - “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 a motor vehicle and specifying exception; and making a violation of level three license terms and conditions subject to criminal penalty provision”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Linville, Householder, Mandt and Graves:

H. B. 4465 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13H-1, §11-13H-2, §11-13H-3, §11-13H-4, §11-13H-5 and §11-13H-6, all relating to a tax rebate for investing in new facilities or processes that result in additional employment and an additional demand for electrical power; legislative findings and purpose; eligibility; amount of rebate; length of rebate or credit; and providing rulemaking authority”; to the Committee on Finance.

By Delegates Hott, Westfall, Nelson, Williams and Howell:

H. B. 4466 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6 and §33-53-7, all relating to certificates of insurance for certain types of insurance; and addressing form requirements, limitations on use, notice requirements, applicability, enforcement, penalties and rulemaking”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Rohrbach:

H. B. 4467 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to the posting of information regarding the West Virginia Tobacco Quitline”; to the Committee on Health and Human Resources.

By Delegate Foster:

H. B. 4468 - “A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to, the preserving surnaming of children in accordance with the long-standing custom and tradition of the patronymic surnaming convention of children as recognized in common law case precedent; and titling this act as ‘The Genealogical Record Integrity Act of 2020’”; to the Committee on the Judiciary.

By Delegate Foster:

H. B. 4469 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor”; to the Committee on the Judiciary.

By Delegates D. Kelly, Shott, Criss, Graves, Steele, Howell, Miller, N. Brown, Maynard, J. Kelly and Mandt:

H. B. 4470 - “A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; providing that such individuals who commit a criminal

office while in the custody of the Bureau, shall not be kept within sight or sound of adult inmates”; to the Committee on the Judiciary.

By Delegates Hanna, Hamrick, J. Jeffries, Hansen, Mandt and D. Jeffries:

H. B. 4471 - “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 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 Delegates Cadle, Jennings, Butler, Cooper, Atkinson, Hott, Mandt, D. Kelly, Toney and J. Jeffries:

H. B. 4472 - “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 the Judiciary.

By Delegates Pushkin, Fluharty, Hansen, Estep-Burton, Walker and Byrd:

H. B. 4473 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §11-14D-1, §11-14D-2 and §11-14D-3; all relating to providing tax credits to provide vehicles to certain persons; authorizing a tax credit for individual tax payers under certain conditions; authorizing a tax credit to license automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that the Tax Commissioner track the number and amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing the Tax Commissioner can develop criteria for allocating percentages of the total allowable tax credits to qualified charitable organizations; establishing the

maximum amount of tax credits for tax years 2020 through 2021 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority”; to the Committee on Finance.

By Delegates Westfall, Hott and D. Jeffries:

H. B. 4474 - “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, §17A-6F-3a, §17A-6F-3b, §17A-6F-3c, §17A-6F-3d, §17A-6F-3e, §17A-6F-3f, §17A-6F-3g, §17A-6F-4, §17A-6F-5, §17A-6F-6, §17A-6F-7, §17A-6F-8, §17A-6F-9, and §17A-6F-10, all relating to peer-to-peer car sharing programs; defining the scope of this article and providing for other definitions; imposing insurance requirements; providing for certain exclusions from motor vehicle insurance policies; requiring peer-to-peer car sharing programs to obtain a limited lines insurance license for automobile rental coverage; establishing certain consumer protection and record-keeping requirements; establishing requirements for data collection and retention; establishing benchmarks for safety for automobiles used in peer-to-peer car sharing programs; providing for the collection of sales and use tax by a peer-to-peer car sharing program; establishing a shared vehicle tax in lieu of the daily passenger car rental tax and the vehicle cost recovery fee; establishing the authority to regulate peer-to-peer car sharing programs at airports; establishing controlled authority and other requirements for peer-to-peer car sharing programs in this state; and providing for an effective date”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Worrell, Lovejoy, Dean, Miller, Toney, C. Thompson, Hanna, Hornbuckle, Cooper, Campbell and Rohrbach:

H. B. 4475 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to require the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under

guidelines established by the state board”; to the Committee on Education.

By Delegates Shott, Criss, Steele, Howell, D. Kelly, Miller, N. Brown and Maynard:

H. B. 4476 - “A Bill to amend and reenact §15-9B-1, §15-9B-2, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community to the Division of Administrative Services; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; establishing procedures; defining terms; establishing misdemeanor penalties; and granting rule-making authority”; to the Committee on the Judiciary.

By Delegates Westfall, Nelson, Criss, Queen and Householder:

H. B. 4477 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-27A-1, §33-27A-2, §33-27A-3, §33-27A-4, §33-27A-5, §33-27A-6, §33-27A-7, §33-27A-8, §33-27A-9, §33-27A-10, §33-27A-11, §33-27A-12, §33-27A-13, and §33-27A-14, all relating to creating the enactment and operation of the West Virginia mutual to mutual insurance holding company act”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Butler:

H. B. 4478 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-14b, relating to prohibiting a commercial driver who has used a commercial motor vehicle in a commission of a felony involving ‘severe forms of trafficking in persons’ from holding a commercial driver’s license for life”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Butler:

H. B. 4479 - “A Bill to amend and reenact §17A-6-18a of the Code of West Virginia, 1931, as amended, relating to removing the

authority of the Commissioner of the Division of Motor Vehicles to set documentary charges or similar charges motor vehicle dealers may charge consumers for documentary services in relation to securing a title"; to the Committee on Technology and Infrastructure then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2086, Uniform Real Property Electronic Recording 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. 24**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Doyle, Hicks and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2086) 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. 4077, Increasing the amount of the bond required to be posted by proprietary 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. 25**), 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: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4077) 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. 4119, Establishing the crime of torture; 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 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, Fluharty, Hornbuckle, McGeehan and Sponaugle.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4119) 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. 4417, Relating to permitting professional boards; 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 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Boggs and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4417) 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. 4419, Relating to the Controlled Substance Monitoring Database; 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. 28**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Byrd and McGeehan.

Absent and Not Voting: Boggs.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4419) 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. 4058, Relating to pharmacy benefit managers; 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. 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission; having been read a second time on yesterday and postponed one day with an amendment pending, was reported by the Clerk.

The amendment, offered by Delegates Fleischauer and Westfall, was again reported by the Clerk, on page one, section one, line eight, following the word “authorized”, by striking out the period and inserting a colon and the following: “with the following

amendment: ‘on page 4, section 4 of the rule, by striking out the provisions of 4.1.k.1. in its entirety.’”

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

The yeas and nays having been ordered, they were taken (**Roll No. 29**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Sponaugle, Staggers, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Westfall, Williams and Zukoff.

Absent and Not Voting: Boggs and Cadle.

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 S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot,

Com. Sub. for H. B. 4002, Creating a felony crime relating to drug delivery resulting in death,

And,

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Boggs.

Miscellaneous Business

Delegate Doyle noted to the Clerk that he was absent on today when the vote was taken on Com. Sub. for H. B. 2086, and that had he been present, he would have voted “Yea” thereon.

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

- Delegate Barrett during remarks by Members

Pursuant to House Rule 94b, a form was filed with the Clerk’s Office to be removed as a cosponsor of the following:

- Delegate Storch for H. B. 4443

At 12:28 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 23, 2020.

Thursday, January 23, 2020

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 22, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4358, Relating to the licensing of electricians,

And,

H. B. 4360, Exempting certain persons from heating, ventilating, and cooling system licensing 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. 4358 and H. B. 4360) were each 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. 4295, Division of Highways, use of state road rights of way and adjacent areas,

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. 4295) 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 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. 2338) 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. 4296, Division of Highways, small wireless facilities on Division of Highways rights-of-way,

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. 4296) was referred to the Committee on the Judiciary.

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

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

H. B. 2478, Modifying the Fair Trade Practices Act,

And,

H. B. 4267, Department of Commerce, small business innovation research and small business technology transfer matching funds 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. 2478 and H. B. 4267) were each 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), which was read by its title, as follows:

By Delegates Ellington and Higginbotham:

H. B. 4480 - "A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing and repealing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the Higher Education Accountability System and the Underwood-Smith Teaching Scholars Program and Teacher Education Loan Repayment Program; repealing the Higher Education Policy Commission's rule regarding the Accountability System; and authorizing a legislative rule for the Council for Community and Technical

College Education regarding the West Virginia Invests Grant Program.”

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

Your Committee on Education has had under consideration:

H. B. 4089, Requiring cursive writing to be taught,

And,

H. B. 4365, Granting of college credit hours for learning English as a second language,

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

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

Your Committee on Education has had under consideration:

H. B. 4143, Creating the Business PROMISE+ Scholarship,

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. 4143) 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. 2497, Relating to the whistle-blower law,

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

Com. Sub. for 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; lengthening the statute of limitations; 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,”

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. 307 - “A Bill to amend and reenact §11A-3-23 of the Code of West Virginia, 1931, as amended, relating to correcting a citation to code”; 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. 322 - “A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to prequalification of vendors for state contracts; allowing for prequalification agreements for the purchase of services; and removing obsolete terms”; 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 the Judiciary:

S. C. R. 4 - “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 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, to call a convention limited to proposing an amendment to the Constitution of the United States 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 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 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 Clerk of the Senate is hereby directed to forward copies of this resolution 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 forward copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Resolutions Introduced

Delegates Linville, Anderson, Atkinson, Azinger, Barnhart, Bartlett, Bates, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Cooper, Criss, Dean, Ellington, Estep-Burton, Fast, Fleischauer, Fluharty, Foster, Hanna, Hansen, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Little, Longstreth, Lovejoy, Mandt, C. Martin, P. Martin, Miller, Nelson, Pack, Phillips, Pushkin, Queen, Robinson, Rowan, Shott, Skaff, Storch, Swartzmiller, Sypolt, R. Thompson, Toney, Walker, Waxman, Westfall, Wilson and Worrell offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

H. R. 7 - "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 two 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 House of Delegates:

That the West Virginia House of Delegates 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 Robinson, Pushkin, Byrd, Nelson, D. Jeffries, Graves, Bartlett, Estep-Burton 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. 28 - "Requesting the Division of Highways name bridge number 20-114-2.91 (20A824), locally known as Elk Two Mile Bridge, carrying WV 114 over the Elk Two Mile Creek in Kanawha County, near Capital High School, the 'U.S.M.C. Cpl Andrew Ryan White Memorial Bridge'."

Whereas, Andrew Ryan White was born in Charleston, West Virginia, January 1, 1985, and grew up in Cross Lanes, West Virginia. He attended Point Harmony Elementary School, Andrew Jackson Middle School, and Nitro High School; and

Whereas, In 2003, Andrew R. White graduated from Capital High School where he held leadership positions in the Army JROTC battalion. He was a member of the color guard and won a national award for his drill team. The school's JROTC room is named for him; and;

Whereas, While at Capital, Andrew R. White was an honor student and member of the National Honor Society. During his tenth-grade year Andrew was a member of the baseball team; and

Whereas, Andrew R. White was a member of the Boy Scouts of America, Troop 77 in Cross Lanes, West Virginia. He served as Senior Patrol Leader, helping younger scouts to earn merit badges and rank advancement. He spent several summers serving as a counselor at Buckskin Scout Reservation and earned the rank of Eagle Scout; and

Whereas, Andrew R. White earned the respect of the scout leaders in Buckskin Council. After his death, these scout leaders purchased a memorial bronze plaque that was placed in the camp chapel; and

Whereas, In 2005, Cpl Andrew R. White served with the United States Marine Corps 4th Combat Engineer Battalion in Iraq, earning several medals for meritorious service. Upon his return home from deployment he was treated for posttraumatic stress disorder (PTSD); and

Whereas, On February 12, 2008, Cpl Andrew R. White died from medications prescribed for his PTSD; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-114-2.91 (20A824), locally known as Elk Two Mile Bridge, carrying WV 114 over the Elk Two Mile Creek in

Kanawha County, near Capital High School, the “U.S.M.C. Cpl Andrew Ryan White Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters at both ends identifying the portion of road as the “U.S.M.C. Cpl Andrew Ryan White Memorial Bridge”; and, be it

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

Delegates Miller, Maynard, Tomblin and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 29 - “Requesting the Division of Highways name a portion of West Virginia Route 17, Spruce River Road, near Ramage, Boone County, WV, beginning at point (37.9856N) (-81.8223W), at the intersection of Secondary Rt. 20, Six Mile Road and West Virginia Route 17, traveling south and ending at point (37.9794N) (-81.8079W) at the intersection with Bias Branch Rd., Secondary Rt. 119/5, traveling approximately 1.1 miles in Boone County, the ‘U. S. Army SSG/TEC 5 Fred E. Duty Memorial Highway’.”

Whereas, Fred E. Duty was born November 4, 1922, in Ramage, Boone County, West Virginia, the only son to Hugh and Mary Bell Duty having two sisters, Nancy and Joyce. Fred grew up in Boone County, where he also found the love of his life and married Doris Burton Duty. Fred E. Duty graduated from Scott High School in Boone County, West Virginia, and attended Morris Harvey College in Charleston, West Virginia; and

Whereas, Fred E. Duty was inducted into the U.S. Army on January 5, 1943, and received basic combat training, US Army 12-week ordinance school and 41C20 fire control artillery repairman training. SSG Fred E. Duty was a member of the HQ Co 1134th Engineers as a light truck driver for combat engineers and served in battles in Northern France, Ardennes, Rhineland and Central

Europe and was wounded in battle In Germany on March 27, 1945. He was awarded the Purple Heart, American Theater Service Ribbon, European Theater Service Ribbon, African Theater Service Ribbon, Middle Eastern Theater Service Ribbon, World War II Victory Medal and Good Conduct Medal; and

Whereas, Except for his time serving his country in the military, he lived in Madison his entire life, attended vocational school and became an electrician leading to his employment as an electrician for 34 years in the coal mines of Armco Steel where he was a member of the United Mine Workers of America. Fred E. Duty was a loyal and faithful member of the Madison United Methodist Church where he served as a lay speaker, showing his faith and leading by example and could regularly be seen quietly performing work for and supporting members of his community in various public service programs both organized and on his own merits. Fred E. Duty became a dedicated and long serving member of Veterans of Foreign Wars Post 5578 in Madison, West Virginia, where he could always be seen serving his community with the many activities of the VFW and performing the final rites to fallen comrades at their gravesides on a regular basis until leaving this world for his heavenly home on August 19, 2019, having served his fellow citizens for over 96 years; and

Whereas, Naming the section of roadway of West Virginia Route 17, Spruce River Road, near Ramage, Boone County, West Virginia, 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 a portion of West Virginia Route 17, Spruce River Road, near Ramage, Boone County, West Virginia, beginning at point (37.9856' N) (-1.8223W), at the intersection of Secondary Rt. 20, Six Mile Road and West Virginia Route 17, traveling south and ending at point (37.9794N) (-81.8079W) at the intersection with Bias Branch Rd., Secondary Rt 119/5, traveling approximately 1.1 miles in Boone County, the "U. S. Army SSG/TEC 5 Fred E. Duty Memorial Highway"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the roadway as the “U. S. Army SSG/TEC 5 Fred E. Duty Memorial Highway”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

And,

Delegates Robinson, Hill 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. 30 - “Requesting the Division of Highways name bridge number 34-19-29.10 NB & SB (34A095, 34A096), (38.50057, -80.75533) locally known as Birch River Interchange Bridges, carrying U.S. 19 over Birch River in Nicholas County, the ‘U. S. Army Corporal C. O. “Skip” Johnson Memorial Bridge’.”

Whereas, C. O. Johnson, Jr., better known as Skip Johnson, was born October 23, 1929, at Herold, Braxton County, West Virginia; and

Whereas, Skip Johnson, Jr. wrote the Water and Woods column for the Charleston Gazette for over 30 years, and upon his retirement authored several books, including “River on the Rocks”, a history of Birch River in Nicholas County; and

Whereas, Skip Johnson served in the U. S. Army in Korea on a mortar platoon as a forward observe in 1951 to 1952; and

Whereas, Skip Johnson died February 20, 2011; and

Whereas, It is fitting that an enduring memorial be established to commemorate Corporal C. O. “Skip” Johnson, 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 34-19-29.10 NB & SB (34A095, 34A096), (38.50057, -80.75533) locally known as Birch River Interchange Bridges, carrying U.S. 19 over Birch River in Nicholas County, the “U. S. Army Corporal C. O. ‘Skip’ Johnson Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army Corporal C. O. ‘Skip’ Johnson 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.

Motions

Delegate Bates moved, under the provisions of House Rule 82, to discharge **H. B. 2331**, Relating to legalizing cannabis production, sales and adult consumption, from the Committee on Health and Human Resources.

Delegate Summers moved that the motion to discharge be laid upon the table.

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. 30**), and there were—yeas 54, nays 41, absent and not voting 5, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Kessinger, Rohrbach, Shott, Sponaugle and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid upon the table.

Bills Introduced

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

By Delegate Rohrbach:

H. B. 4481 - "A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; definitions, including redefining the definition of 'Life-prolonging intervention'; forms of a living will or medical power of attorney or combined medical power of attorney and living will and specific provisions; and interpretation and application of provisions upon the effective date of enactment"; to the Committee on the Judiciary.

By Delegates J. Jeffries, Hardy, Cadle, Kump, Butler, McGeehan, Wilson and Paynter:

H. B. 4482 - "A Bill to repeal §15-1F-7 of the Code of West Virginia, 1931, as amended, relating to unlawful military organizations"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegates Bates and Pack:

H. B. 4483 - "A Bill to repeal §18B-10-7b of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-4-14c; and to amend said code by adding thereto a new article, designated §18C-7a-1, §18C-7a-2, §18C-7a-3, §18C-7a-4, and §18C-7A-5, all relating to establishing a higher education scholarship program for foster children; directing a portion of the proceeds of any opioid settlement award to be placed in a special account to be administered by the State Auditor for award money to be placed in a special account, with excess subject to appropriation of the Legislature, after assuring sufficient moneys are available to fund the scholarship program;

authorizing the State Auditor to promulgate necessary rules; repealing a section of the code providing tuition waivers for foster children; requiring reports on needed funds to fully fund scholarship program by the Higher Education Policy Commission; providing for title, findings and purpose of the act; granting powers and duties to the Higher Education Policy Commission including rulemaking to administer the program; providing conditions and terms of scholarship program; and providing a special revenue account to be administered by the commission to pay for scholarships”; to the Committee on Education then Finance.

By Delegates Anderson, J. Kelly, Hansen, Miley, Evans, Pethtel, Westfall, Azinger and Cadle:

H. B. 4484 - “A Bill to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fund; permitting the annual certification fee for facilities that manage hazardous waste that is set to expire June 30, 2020 to continue until June 30, 2025”; to the Committee on Energy.

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

H. B. 4485 - “A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §15-5-3 of said code; to amend and reenact §15A-1-2 and §15A-1-3 of said code; and to amend said code by adding thereto a new section, designated §15A-1-9, all relating to reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security, clarifying the divisions that report to the cabinet secretary, designating the Department of Homeland Security as the State Administrative Agency for homeland security and emergency management grants establishing the powers and duties of the Secretary of Homeland Security, removing the Adjutant General’s Office, State Armory Board, and Military Awards Board from the Department of Military Affairs and Public Safety, clarifying the agencies established within the Department of Military Affairs and Public Safety, and redesignating the Division of Homeland Security and Emergency Management as the Division of

Emergency Management and making the employees of the Division of Emergency Management classified exempt employees”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

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

H. B. 4486 - “A Bill supplementing, amending and increasing the appropriations of public moneys out of the Treasury for claims against the state by making supplementary appropriations from the unappropriated balance in the State Fund, General Revenue, special revenue funds and state road funds for the fiscal year ending June 30, 2020”; to the Committee on Finance.

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

H. B. 4487 - “A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services — Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$3,000,000 from the Department of Administration, Premium Tax Savings Fund, fund 2367, fiscal year 2020, organization 0218; in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund – Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2020, organization 0506 and in the amount of \$360,000 from the Department of Health and Human Resources – Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2020, organization 0511 by supplementing and amending chapter thirty-one, Acts of the Legislature, regular session, 2019, known as the budget bill”; to the Committee on Finance.

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

H. B. 4488 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020 in the amount of \$18,294,868 from the balance of moneys remaining as an unappropriated balance in the Lottery Net Profits and making a supplementary appropriation of

public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources – Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, to the Department of Health and Human Resources – Consolidated Medical Services Fund, fund 0525, fiscal year 2020, organization 0506, and to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511”; to the Committee on Finance.

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

H. B. 4489 - “A Bill expiring funds to the balance of the Department of Health and Human Resources - Division of Human Services – Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$36,202,960, from the State Excess Lottery Revenue Fund – Division of Human Services, fund 5365, fiscal year 2020, organization 0511, by supplementing and amending chapter thirty-one, Acts of the Legislature, regular session 2019, known as the budget bill”; to the Committee on Finance.

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

H. B. 4490 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020 in the amount of \$30,658,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020 to the Department of Administration – Public Defender Services, fund 0226, fiscal year 2020, organization 0221; to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511, and to the Department of Veterans’ Assistance – Department of Veterans’ Assistance,

fund 0456, fiscal year 2020, organization 0613”; to the Committee on Finance.

By Delegates Pushkin, Estep-Burton, Higginbotham and Byrd:

H. B. 4491 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students, on warning signs and resources to assist in suicide prevention under guidelines established by the state board”; to the Committee on Education then Finance.

By Delegates Westfall, Steele, Rohrbach, Criss, Barnhart, Queen, Worrell, Dean, Zukoff, Estep-Burton and Campbell:

H. B. 4492 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, related to creating the West Virginia Children’s Vision Act; requiring proof of vision examination of children enrolling in West Virginia public or private schools”; to the Committee on Education then Finance.

By Delegate Rohrbach:

H. B. 4493 - “A Bill to amend and reenact §16-9E-1, §16-9E-2, and §16-9E-3 of the Code of West Virginia, 1931, as amended, relating to age verification requirements for delivery sales of tobacco, tobacco products, alternative nicotine products, or vapor products”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegates Bates and Cowles:

H. B. 4494 - “A Bill to amend and reenact §4-11A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated as §16-9G-1, §16-9G-2, §16-9G-3 and §16-9G-4, all relating to expanding tobacco use reduction and cessation initiatives; dedicating a portion of the proceeds from the West Virginia Tobacco Settlement Medical Trust Fund for tobacco reduction and cessation programs; creating

a task force to undertake studies and monitor and advise the Division of Tobacco Cessation and recommend policies to the Legislature; authorizing the Office of Tobacco Cessation to apply and administer private grants and donations; and creation of a special revenue account to fund the Office of Tobacco Cessation and state tobacco use reduction and cessation programs”; to the Committee on Health and Human Resources then Finance.

By Delegates Toney, J. Jeffries, Rowan, Campbell, D. Kelly and Cooper:

H. B. 4495 - “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to extending the validity of a level one instruction driver’s permit to 180 days after a person who is an active member of the military reaches the age of 18 years”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Shott, Criss, Graves, Steele, Howell, D. Kelly, Miller, N. Brown and Maynard:

H. B. 4496 - “A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections and Rehabilitation and its’ employees”; to the Committee on the Judiciary.

By Delegates Mandt, Atkinson, Criss, Hill, Lovejoy, Miller, Linville, Worrell, Hornbuckle, Rohrbach and Ellington:

H. B. 4497 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to requiring an external defibrillator device at any secondary school athlete event under the control, supervision and regulation of the West Virginia Secondary School Activities Commission; requiring training of sports personnel and naming the law The Alex Miller Law”; to the Committee on Education then Finance.

By Delegates Rodighiero, Kessinger, Tomblin, Hicks, R. Thompson and Worrell:

H. B. 4498 - “A Bill to amend and reenact §16-2I-2 of the Code of West Virginia, 1931, as amended, relating to a Woman’s Right

to Know; requiring an ultrasound be performed by a physician or other licensed healthcare provider prior to performing an abortion; requiring the woman to view the ultrasound image prior to the procedure; and providing the woman with the right to ask any questions regarding the ultrasound image or the procedure prior to performing the procedure”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hansen, Howell and C. Martin:

H. B. 4499 - “A Bill to amend and reenact §20-17-7, §20-17A-2 and §20-17A-3 of the Code of West Virginia, 1931, as amended, all relating to multicounty trail network authorities and the Mountaineer Trail Network Recreation Authority”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Walker, Zukoff, Lavender-Bowe, Staggers, Longstreth, Pushkin, Pyles, Williams, Hansen, Angelucci and Campbell:

H. B. 4500 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-9a, relating to exempting from personal property taxation, vehicles of certain volunteer firefighters”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Miller, Criss, Graves, Howell, Shott, N. Brown and Maynard:

H. B. 4501 - “A Bill to repeal §62-6-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-5-9 of said code; and to amend and reenact §62-1C-14 of said code; all relating to the ability to refuse offenders for commitment to a jail and authorizing the acceptance of certain offenders refusing medical treatment”; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4502 - “A Bill to repeal §33-12B-4a and §33-12B-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §33-12B-1, §33-12B-2, §33-12B-3, §33-12B-4, §33-12B-5, §33-12B-6, §33-12B-7, §33-12B-8, §33-12B-9, §33-12B-10, §33-12B-11, and §33-12B-13 of said code; and to amend said code

by adding thereto a new section, designated §33-12B-15, all relating to insurance adjusters; defining terms; providing licensure requirements for company, independent, and public adjusters; providing exceptions to adjuster license requirements; permitting temporary licensure for emergency company and independent adjusters; providing for qualifications for a resident adjuster license; authorizing the Insurance Commissioner to conduct criminal history checks for prospective adjusters; providing for adjuster lines of authority; providing for revocation or suspension of adjuster license; providing for civil penalty against adjusters; requiring adjusters to complete continuing education; and providing for an effective date”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Butler:

H. B. 4503 - “A Bill to amend and reenact §17-23-4 of the Code of West Virginia, 1931, as amended, relating to conforming West Virginia law to federal distance requirements for location of salvage yards within 1,000 feet of an occupied private residence in a residential community; and removing outdated terminology”; to the Committee on the Judiciary.

By Delegate Butler:

H. B. 4504 - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to renewal application requirements for individuals with permanent disabilities”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Atkinson, Westfall, Tomblin, Cooper, Hartman, Cadle, Hott and R. Thompson:

H. B. 4505 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5A-1, §20-5A-2, §20-5A-3, §20-5A-4, §20-5A-5, and §20-5A-6; all relating to the creation of the State Parks and Recreation Endowment Fund; establishing a Board of Trustees for the State Parks and Recreation Endowment Fund; designating sources of funds for the State Parks and Recreation Endowment Fund; establishing how and for what purpose expenditures may be made from the State Parks and Recreation Endowment Fund; and

other administrative matters related to the State Parks and Recreation Endowment Fund”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Atkinson, Tomblin, Sypolt, Westfall, Hott, Hartman, Anderson, Cadle, Dean and D. Kelly:

H. B. 4506 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to procurement of architect-engineer services by the West Virginia Division of Natural Resources, and exempting the agency from certain existing procurement requirements”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Atkinson, Dean, Sypolt, Cooper, Hartman, Anderson, Westfall, Hott, Cadle, Tomblin and D. Kelly:

H. B. 4507 - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to an exception to the requirement that all Division of Natural Resources payments be deposited in a bank within 24 hours”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Walker, Hornbuckle, Bates, S. Brown, Stagers, Evans, Pyles, Williams, Hansen, Hanna and Campbell:

H. B. 4508 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to making it illegal to discriminate based on hair texture or hair style; and defining terms”; to the Committee on Government Organization then the Judiciary.

By Delegates Shott, Steele, N. Brown and Maynard:

H. B. 4509 - “A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931 as amended, relating to transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; removing the residency requirements pertaining to counties; removing the work substitution or qualification to serve on the board; specifying the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of

the vice chairperson; clarifying how a vacancy occurs on the board; creating a temporary or substitute board member list; clarifying how moneys for the board should be appropriated”; to the Committee on Government Organization.

By Delegates Steele, Criss, Graves, Howell, D. Kelly, Miller, Shott, N. Brown and Maynard:

H. B. 4510 - “A Bill to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting bodily intrusion by an inmate upon any person at any correctional facility and defining bodily intrusion for purposes of the section”; to the Committee on the Judiciary.

By Delegates Graves, Higginbotham, Sypolt, Cadle, Phillips, Hott, Miller, J. Kelly, Jennings, P. Martin and Hardy:

H. B. 4511 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5E-3a, and to amend and reenact §16-49-1 of said code, all relating to providing exemption to medical foster homes approved and annually reviewed by the United States Department of Veteran Affairs from requirements for unlicensed health care homes; providing for annual reporting regarding operation of program; and excluding medical foster homes from the definition of covered provider for purposes of WV CARES Act”; to the Committee on Veterans’ Affairs and Homeland Security then Health and Human Resources.

By Delegate Butler:

H. B. 4512 - “A Bill to amend the West Virginia Code, 1931, as amended, by adding thereto a new article, designated §17B-8-1, §17B-8-2, §17B-8-3, §17B-8-4, §17B-8-5, §17B-8-6 and §17B-8-7; and to amend and reenact §17C-5A-3a of said code, all relating to creating a work permit driver’s license program; providing legislative findings and purpose; defining terms; establishing eligibility requirements; providing that drivers whose commercial driver’s license was suspended or revoked are not eligible for the work permit driver’s license program; providing that drivers whose driver’s license was suspended or revoked for passing a school bus, medical reasons, driving under the influence, and any hit and run

offense under §17C-4-1 *et seq*”; are not eligible for the work permit driver’s license program; specifying the terms and conditions of participating in the program; providing for a \$20, nonrefundable application fee; limiting times and places a participant may drive to those approved by the Commissioner of Motor Vehicles; requiring completion of driver improvement course; providing for cancellation of work permit driver’s license for certain motor vehicle violations and providing exceptions; limiting work permit driver’s license to one year; authorizing fees to be deposited in the Motor Vehicles Fee Fund for administration of the program; authorizing emergency and legislative rules; authorizing penalties of up to six months in jail and a fine of up to \$500 for violations of the terms and conditions of the program; allowing drivers convicted of driving under the influence to participated in the Motor Vehicle Test and Lock Program jointly with the work permit driver’s license program; requiring persons convicted of driving under the influence of drugs or controlled substances to submit to drug testing; requiring satisfactory assessment from approved Safety and Treatment Provider; authorizing the Commissioner to reduce revocation periods under certain circumstances; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Atkinson, Anderson, Tomblin, Westfall, Cadle and Dean:

H. B. 4513 - “A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to increasing the replacement costs required of a person causing injury or death of game or protected species; providing additional replacement costs for antlered deer; and requiring revocation of hunting and fishing licenses for conviction of described offenses”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Atkinson, Anderson, Cadle, Westfall and Tomblin:

H. B. 4514 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §20-2-5j; 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; and setting forth how dogs caught chasing

deer are to be handled”; to the Committee on Agriculture and Natural Resources.

By Delegates Sypolt, Hartman, Westfall, Tomblin, Anderson, Cooper, Cadle, Hott, Atkinson, Dean and D. Kelly:

H. B. 4515 - “A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended; relating to eligibility for license or permit application and unlawful acts when applying for a license or permit”; to the Committee on Agriculture and Natural Resources.

By Delegates Howell, C. Martin, Jennings, D. Jeffries, Bartlett, Hanna and P. Martin:

H. B. 4516 - “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 Technology and Infrastructure then the Judiciary.

By Delegates Sypolt, Cooper, Dean, Tomblin, Westfall, Hott, Hartman, Cadle, Anderson, D. Kelly and Atkinson:

H. B. 4517 - “A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit requirements and application”; to the Committee on Agriculture and Natural Resources.

By Delegates Atkinson, Westfall, D. Jeffries, J. Kelly, Lovejoy, Dean, R. Thompson, Higginbotham, Hanna, Jennings and Hornbuckle:

H. B. 4518 - “A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to minimum

salaries for teachers; classifying a teacher or school psychologist holding an Education Specialist Degree to be paid under the State Minimum Salary Schedule the same as a teacher having M.A. plus 45 hours of education”; to the Committee on Education then Finance.

By Delegates Espinosa, Hanna, Higginbotham and Ellington:

H. B. 4519 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5B-2D-8 and §18-2-7e, all relating partnerships for improving student engagement and preparation in the changing world of work; establishing a summer youth intern pilot program within Department of Commerce; authorizing diverse stakeholder working group and external champions for development and support of future-ready graduate profile for success in occupations and entrepreneurship; suggesting action steps; and suggesting roles for local school improvement councils”; to the Committee on Small Business, Entrepreneurship and Economic Development then Education.

By Delegates Atkinson, Sypolt, Westfall, Tomblin, Cooper, Hartman, Hott, Cadle, Dean and D. Kelly:

H. B. 4520 - “A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to the North Bend Rail Trail, Greenbrier River Rail and the Elk River Trail”; to the Committee on Agriculture and Natural Resources.

By Delegates Summers, Bibby, Hardy, Waxman and McGeehan:

H. B. 4521 - “A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency”; to the Committee on Political Subdivisions then Health and Human Resources.

By Delegate Butler:

H. B. 4522 - “A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the federal

Real ID Act and allowing division to accept documents compliant with Real ID Act for proof of identity, residency, and lawful presence”; to the Committee on Technology and Infrastructure then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4058, Relating to pharmacy benefit managers; 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 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Kessinger, Rohrbach, Shott, Sponaugle 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. 4058) 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. 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire 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. 32**), and there were—yeas 66, nays 29, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans,

Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Pushkin, Pyles, Rodighiero, Rowe, C. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Kessinger, Rohrbach, Shott, Sponaugle 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. 4275) passed.

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

On this question, the yeas and nays were taken (**Roll No. 33**), and there were—yeas 86, nays 9, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Pyles and Rodighiero.

Absent and Not Voting: Kessinger, Rohrbach, Shott, Sponaugle and Wilson.

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. 4275) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot; on second reading, coming up in regular order, was read a second time.

Delegate Fleischauer moved to amend the bill on page fifteen, section five, line one hundred seventeen, immediately following the word “shall”, by inserting the words “receive all ballots and”.

And,

On page fifteen, section five, line one hundred eighteen, immediately following the word “ballots”, by inserting a period after the word “ballots” and striking out the remainder of subsection “i”.

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. 34**), and there were—yeas 37, nays 58, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Boggs, 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, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Kessinger, Rohrbach, Shott, Sponaugle and Wilson.

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 third reading.

Com. Sub. for H. B. 4002, Creating a felony crime relating to drug delivery resulting in death; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4393, Relating to making suffocation and asphyxiation crimes; 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. 4011, Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions,

Com. Sub. for H. B. 4129, Relating to adoption,

H. B. 4146, Relating to credit for reinsurance,

H. B. 4149, Relating to insurance,

H. B. 4166, Prohibiting certain sex offenders from being in a supervisory position over children,

And,

H. B. 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Kessinger, Rohrbach, Shott, Sponaugle and Wilson.

Delegate Bates moved, under the provisions of House Rule 61, that the motion to discharge **H. B. 2331**, Relating to legalizing cannabis production, sales and adult consumption, from the Committee on Health and Human Resources, be taken from the table.

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. 35**), and there were—yeas 39, nays 55, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Skaff, Staggers,

Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd, Kessinger, Rowe, Shott, Sponaugle and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

During the XV Order of Business, Delegate Hornbuckle asked unanimous consent to return to the XIV Order of Business, which motion did not prevail, objection being heard.

Subsequently, on motion of Delegate Hornbuckle, the House returned to the XIV Order of Business.

Miscellaneous Business

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

- Delegates Bates, Cowles, Hornbuckle and Walker during Remarks by Members

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

- Delegates Lavender-Bowe and Skaff for H. B. 2724
- Delegate Bibby for H. B. 2775
- Delegate Porterfield for H. B. 4089
- Delegate Fluharty for H. B. 4351
- Delegate Pack for H. C. R. 8

At 12:17 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 24, 2020.

Friday, January 24, 2020

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 23, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

And,

H. B. 4177, Allowing sheriffs to keep electronic copies of receipts for the payment of taxes,

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. 2321 and H. B. 4177) were each 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. 4355, Allowing municipalities and counties to post their annual financial statements on the Internet,

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. 4355) was 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. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access,

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

Com. Sub. for H. B. 2877 - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 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,"

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. 4250, State Conservation Committee, state conservation committee grant program,

H. B. 4251, State Tax Department, payment of taxes by electronic funds transfer,

H. B. 4331, Racing Commission, thoroughbred racing,

H. B. 4343, State Tax Department, consumer sales and service tax,

And,

H. B. 4344, State Tax Department, exchange of information pursuant to written agreement,

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. 4250, H. B. 4251, H. B. 4331, H. B. 4343 and H. B. 4344) were each 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:

Com. Sub. for S. B. 323, Authorizing Department of Administration promulgate legislative rules,

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

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

Your Committee on Education has had under consideration:

H. B. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day,

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

Com. Sub. for H. B. 2433 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, all relating to establishing dates within which the instructional term for students must be held; exempting schools operating on a balanced calendar; authorizing state board to waive requirements of section; requiring state board rule on waiver process; and modifying use of purposes for certain noninstructional days,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 4226, Department of Health and Human Resources, primary care seed money grants,

H. B. 4227, Department of Health and Human Resources, pilot program for drug screening of applicants for cash assistance,

H. B. 4230, Insurance Commission, pharmacy auditing entities and pharmacy benefit managers,

H. B. 4279, Department of Health and Human Resources, public water systems,

H. B. 4280, Department of Health and Human Resources, fees for permits,

H. B. 4281, Department of Health and Human Resources, vital statistics,

H. B. 4282, Department of Health and Human Resources, emergency medical services,

H. B. 4283, Department of Health and Human Resources, primary care center uncompensated care grants,

H. B. 4284, Department of Health and Human Resources, medical cannabis program—general provisions,

H. B. 4285, Department of Health and Human Resources, medical cannabis program—growers/processors,

H. B. 4286, Department of Health and Human Resources, medical cannabis program-laboratories,

H. B. 4287, Department of Health and Human Resources, medical cannabis program-dispensaries,

H. B. 4288, Department of Health and Human Resources, medical cannabis program-safe harbor letter,

H. B. 4289, Department of Health and Human Resources, collection and exchange of data related to overdoses,

H. B. 4290, Department of Health and Human Resources, minimum licensing requirements for residential child care and treatment facilities,

H. B. 4291, Department of Health and Human Resources, qualifications for a provisional license to practice as a social worker,

And,

H. B. 4292, Health Care Authority, critical access hospitals,

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. 4226, H. B. 4227, H. B. 4230, H. B. 4279, H. B. 4280, H. B.

4281, H. B. 4282, H. B. 4283, H. B. 4284, H. B. 4285, H. B. 4286, H. B. 4287, H. B. 4288, H. B. 4289, H. B. 4290, H. B. 4291 and H. B. 4292) were each 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, but that it first be referred to the Committee on Banking and Insurance), which was read by its title, as follows:

By Delegates Hill, Pack, Fleischauer, Bates, Jennings, Summers, D. Jeffries, Atkinson, C. Thompson, Angelucci and Rohrbach:

H. B. 4543 - "A Bill to repeal §33-15C-1 of the Code of West Virginia, 1931, as amended; to repeal §33-16-16, of said code; and to amend said code by adding thereto a new article designated, §33-53-1 of said code, all relating to insurance coverage for diabetics."

The Speaker referred the bill to the Committee on Banking and Insurance.

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. 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

And,

H. B. 4429, Relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension,

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, H. B. 4409 was referred to the Committee on Finance; and pursuant to House Rule 80, the Speaker referred H. B. 4429 to the Committee on Pensions and Retirement then 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. 4030, Increasing the age limit of an honorably discharged veteran of the United States Armed Forces or National Guard to 40 years of age,

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. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance,

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

Com. Sub. for 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 person charged with a criminal violation when first appearing before a judicial officer; establishing that a judicial officer shall release a person charged with a misdemeanor offense on their own recognizance unless charged with certain offenses; establishes that in certain instances and with certain conditions the arrested person is entitled to the least restrictive bail conditions determined to be reasonably necessary to assure appearance as well as ensure safety of persons in the community and maintenance of evidence; establishing that in

certain circumstances the arrested person is entitled to bail under least restrictive further conditions; identifying least restrictive further conditions; establishing considerations to determine whether to release an individual without bail, the reasonable amount of bail, or imposition of other conditions of release; establishing that in all misdemeanor cases, cash bail cannot exceed the maximum fine for the offense; and, further providing that a judicial officer may modify the conditions of release at any time,”

And,

H. B. 4438, Relating to the licensing of advance deposit wagering,

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

Com. Sub. for H. B. 4438 - “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,”

With the recommendation that the committee substitutes each do pass.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for H. B. 4438 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

Com. Sub. for S. B. 297 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to develop a program of instruction in home economics, or specific subjects within home economics, that may be integrated into the curriculum for students in secondary schools”; which was referred 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. 3 - “Requesting the Division of Highways to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the ‘U. S. Army MSG Richard A. “Dick” Smoot Memorial Bridge’.”

Whereas, Richard A. Smoot was born June 28, 1948, in Crownhill, West Virginia, the son of Trilba Gay Smoot and Richard Smoot; and

Whereas, Following high school, Richard A. Smoot joined the United States Army, where he rose to the rank of Master Sergeant and enjoyed a long and successful career; and

Whereas, Master Sergeant Smoot, who was sometimes called by the nickname “Bones”, completed numerous training courses as a member of the special forces, earning many medals and badges. He completed air borne school, signal school, the free fall parachutist course, and combat lifesaving training. He was a qualified combat diver and earned the right to the Combat Infantryman Badge, Portuguese Diver Badge, the Russian Parachute Badge, the Master Parachute Badge, Special Forces Tab, and Special Operations Diving Supervisor Badge; and

Whereas, Master Sergeant Smoot, who served in Vietnam, Iraq, and Afghanistan, became a legend among the special forces community. He was awarded two Meritorious Service Medals, two Army Commendation Medals, two Army Achievement Medals, a Meritorious Unit Commendation, an Army Good Conduct Medal, and other medals and ribbons; and

Whereas, Although the service often took him far from his Tornado home, Master Sergeant Smoot was a devoted husband, father, and friend and was described as a rock to his immediate and extended family. Following honorable discharge from military service, Master Sergeant Smoot participated actively in his community and served as commander for American Legion Post 73; and

Whereas, Master Sergeant Richard A. Smoot died July 2, 2015, as a result of having been struck by a truck as he rode his motorcycle; and

Whereas, It is fitting that an enduring memorial be established to commemorate his many contributions to our nation, 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 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the “U. S. Army MSG Richard A. ‘Dick’ Smoot 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 MSG Richard A. ‘Dick’ Smoot 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 Pethel and Hartman 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 52-15-0.84 (52A145), Lat/Long:39.57192,-80.67941, locally known as the North Fork Bridge, carrying CR15 over the North Fork of Fishing Creek in Wetzel County, the ‘U. S. Army Air Corp PFC James W. Brown Memorial Bridge’.”

Whereas, James was born October 4, 1924, as the son of William C. and Hannah Brock Brown; and

Whereas, James was a 1943 graduate of Pine Grove High School and a member of the First Baptist Church in Pine Grove; and

Whereas, James served our country from 1943 to 1946 as a Private First Class in the US Army Air Corp during World War II where he performed various duties such as military transport, building bridges and airplane maintenance; and

Whereas, After the war James worked as a State Police dispatcher, a Wetzel County Deputy Sheriff and worked for Ormet for 27 years; and

Whereas, James served for many years as Chief of Police in Pine Grove and on the Pine Grove City Council and he directed traffic after every home high school football game and for every

funeral he could and he often interacted in a positive way with the children of the community; and

Whereas, James passed away on March 21, 2015, at the age of 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC James W. Brown and his contributions to his community, 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 52-15-0.84 (52A145), Lat/Long: 39.57192, - 80.67941 locally known as the North Fork Bridge, carrying CR 15 over the North Fork of Fishing Creek in Wetzel County, the “U. S. Army Air Corp PFC James W. Brown 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 Air Corp PFC James W. Brown 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.

Delegate Linville 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 Division of Highways name bridge number 6-39-0.01, currently under construction, at the mouth of Mount Union Road at Route 10, in Cabell County, the ‘Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge’.”

Whereas, Bothers Edward Wolfe, William Wolfe, Paul Carlton Wolfe, George Wolfe, and Fred Wolfe served in the U.S. Navy during World War II; and

Whereas, A sixth brother, Lewis Wolfe, served in the U.S. Army prior to World War II; and

Whereas, All six brothers lived on Mount Union Road, and several of their descendants also lived on that road and served honorably in later conflicts, the Vietnam War and Operation Desert Storm; and

Whereas, It is a fitting tribute to those brothers who so ably and honorably served their country and their state to name this bridge after them; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 6-39-0.01, currently under construction, at the mouth of Mount Union Road at Route 10, in Cabell County, the “Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans 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 “Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans 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.

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

H. C. R. 33 - “Requesting the Division of Highways to name bridge number 17-79-119.96 (17A318), locally known as Lodgeville I-79 Bridge, carrying IS 79 over CR 50/16, 50/25 and railroad in Harrison County, the ‘U.S.A.F. Lt. Col. Frederick Donald Belknap Memorial Bridge’.”

Whereas, Frederick Donald Belknap was born July 31, 1929, on a farm on Little Termile Creek, two miles west of Wallace, in

Harrison County, West Virginia. His parents were Dewey and Thelma Belknap. He graduated from Wallace High School in 1948 and attended West Virginia University from 1948-1952, where he worked as a waiter in Terrace Hall, a women's residence hall, to earn his meals; and

Whereas, Upon graduation from West Virginia University with a bachelor's degree in education, Frederick Donald Belknap was commissioned a second lieutenant in the United States Air Force, having participated in reserve officer training while at the university; and

Whereas, Frederick Donald Belknap married Hester "Hedy" Ogden, also of Wallace, West Virginia, on September 10, 1951. The couple had one child, Dianne Lynne Belknap Lunsford; and

Whereas, Frederick Donald Belknap enjoyed a 25-year-long career in the Air Force, being trained as a navigator, graduating first in his class, later rated Master Navigator, and rising to the rank of lieutenant colonel; and

Whereas, During his career Lt Col Belknap flew in missions worldwide in C124 "GlobeMaster" aircraft, participating in troop carrier and cargo missions to Germany and the rest of Europe. In 1957 he was involved in airlifting U.S. Marines to Lebanon on orders of President Dwight D. Eisenhower, and carried out other missions in Greece, Egypt, Jordan, Libya and Morocco. In 1959, Colonel Belknap was trained as a missile launch officer and served as a Nuclear Missile Launch Officer in Germany from 1961 to 1964. Following various assignments stateside, Colonel Belknap was assigned to Saigon, Vietnam, in 1970 where he served as psychological warfare officer with the Joint United States Public Affairs Office until June, 1971; and

Whereas, Upon returning from Vietnam, Colonel Belknap was assigned to Langley Air Force Base in Hampton, Virginia, from where he flew missions in Southeast Asia. At the time of his retirement in 1977, Colonel Belknap had flown all over the world for more than 6,000 hours (including more than 88 hours of combat

missions) in C124, C119 and C130 aircraft, and had been awarded the Bronze Star; and

Whereas, After his Air Force career, Colonel Belknap and his wife returned to Harrison County where he served as personnel coordinator for District 4 of the West Virginia Department of Highways from 1978 to 1989. He was a member of the West Milford Lions Club and VFW and served as a leader for his grandson's Boy Scout troop and was inducted into the Order of the Arrow. He enjoyed hunting, fishing, gardening, camping, gathering with old friends from all over, and attending Mountaineer football games. Colonel Belknap died February 23, 2017, at the age of 87, having lived a life of service to 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 bridge number 17-79-119.96 (17A318), locally known as Lodgeville I-79 Bridge, carrying IS 79 over CR 50/16, 50/25 and railroad in Harrison County, the "U.S.A.F. Lt. Col. Frederick Donald Belknap 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.A.F. Lt. Col. Frederick Donald Belknap Memorial Bridge"; and, be it

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

Delegates Longstreth, Evans, Fleischauer, Butler, Pethtel, Diserio, Angelucci, Campbell, Cooper, Toney and Pushkin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

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

Whereas, More than 10,000 men and women from West Virginia have died during 20th and 21st century military actions, either in combat or during the official period of conflict and prior to discharge from the military. The ultimate sacrifices made by these men and women for their country and West Virginia represent the highest levels of honor and courage and should not go unnoticed; and

Whereas, Gold Star Families are those families who have family members who died or were killed serving in the armed forces. They are the families of fallen military heroes, whether they gave their lives in Iraq, Afghanistan, Vietnam, Korea, WWII or another conflict; and

Whereas, Rather than attempt to acknowledge individually each of these fallen warriors and patriots by finding a bridge or stretch of road or highway to be named for the individual veterans, it would be a more worthy form of recognition, homage and honor to these heroes and heroines and the Gold Star Families if signage were erected at the highways that enter West Virginia; and

Whereas, Since 2014 at least 10 signs have been placed along West Virginia highways honoring these heroes and heroines and the Gold Star Families; and

Whereas, It would be appropriate to further honor these heroes and heroines and the Gold Star Families by placing at least 10 additional signs at visible and highly traveled highways entering West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to create and erect signs upon additional heavily traveled highways entering the State of West Virginia on which a “Welcome to West Virginia” sign is posted near a border crossing. To the extent permissible by signage rules

and regulations, each sign should read “West Virginia is proud to honor its fallen Veterans and Gold Star Families” and have affixed to it a gold star symbol similar to the design of the lapel pin approved under 10 U.S.C. §1126; 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 motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Doyle, Hansen, Pushkin, Bates, Lovejoy, Skaff, Miley, Hornbuckle, Walker, S. Brown and Estep-Burton:

H. J. R. 108 - “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 Finance then the Judiciary.

Bills Introduced

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

By Delegates Summers, Paynter, Hardy, Worrell and Maynard:

H. B. 4523 - “A Bill to amend and reenact §20-2-42y of the Code of West Virginia, 1931, as amended, relating to Class AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; and removing the limitation of number of apprentice hunting and trapping licenses a person may purchase”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Westfall, Hartman, Sponaugle, Barrett, Phillips and Storch:

H. B. 4524 - “A Bill to amend and reenact §60-5-1, §60-5-2, §60-5-3, §60-5-4, §60-5-5, §60-5-6 and §60-5-8 of the Code of West Virginia, 1931, as amended, all relating to making the entire state ‘wet’ or permitting the sale of alcoholic liquors for off-premises consumption; providing a county option to vote to go ‘dry’ or prohibit the sale of alcoholic liquors for off-premises consumption; and permitting an exception”; to the Committee on the Judiciary.

By Delegates Hansen, Walker, Angelucci and Longstreth:

H. B. 4525 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to require the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board”; to the Committee on Education then Finance.

By Delegates Bates, Pack, Steele, Toney, McGeehan, Bibby, Butler, Anderson, Longstreth, Doyle and Wilson:

H. B. 4526 - “A Bill making a supplementary appropriation by adding a new item of appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue fund, to the Department of Veterans’ Assistance- Veterans Home, fund, fiscal year 2020, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Criss and Householder:

H. B. 4527 - “A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, and to amend said code by creating a special revenue account of the State Treasury designated the Military Authority Fund to be administered by the Adjutant General for all nonfederal government entity revenues and expenses received by the West Virginia Military Authority”; to the Committee on Finance.

By Delegates Longstreth, Angelucci, Lovejoy, Miller, Jennings and Maynard:

H. B. 4528 - “A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that the surcharge be increased to one percent; providing that the surcharge be used solely for volunteer fire departments; and deleting obsolete language”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Criss and Nelson:

H. B. 4529 - “A Bill to amend and reenact §7-25-22 of the Code of West Virginia, 1931, as amended, relating to the collection of assessments and the priority of liens on property within a resort area district”; to the Committee on the Judiciary.

By Delegate Westfall:

H. B. 4530 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-17, 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”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Barnhart, Higginbotham, P. Martin, Pack, J. Jeffries, D. Kelly and Bibby:

H. B. 4531 - “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 Political Subdivisions then Finance.

By Delegates Walker, Zukoff, Pushkin, Hornbuckle, Pyles, Miley, Hansen, Skaff, Williams, Estep-Burton and Diserio:

H. B. 4532 - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, to provide civil rights

protections to certain individuals”; to the Committee on the Judiciary then Finance.

By Delegates R. Thompson, N. Brown, Evans, Hicks, Tomblin and Rodighiero:

H. B. 4533 - “A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to strengthening the criminal penalty for assault on governmental representatives, health care providers, utility workers, law-enforcement officers, correctional employees and emergency medical service personnel to a felony”; to the Committee on the Judiciary then Finance.

By Delegates Walker, Pyles, Williams, Hansen, Skaff, Estep-Burton, Angelucci, Storch, Byrd, Hanna and Hill:

H. B. 4534 - “A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended, relating to rulemaking for healthcare plans; providing that the commission and council promulgate rules for healthcare plans offered to graduate students attending a college or university in this state; providing that the healthcare plans offered to graduate students permit adding dependents to the policy; providing that healthcare plans offered to graduate students not exclude any graduate student with a preexisting condition; and establishing an effective date”; to the Committee on Banking and Insurance then Education then Finance.

By Delegates Toney, Campbell and Cooper:

H. B. 4535 - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8a of said code, all relating to student aide class titles for school service personnel”; to the Committee on Education.

By Delegate Howell:

H. B. 4536 - “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 Maynard, J. Jeffries, Tomblin, Linville, Miller, P. Martin, Mandt, Worrell, Pack and Rohrbach:

H. B. 4537 - “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 Toney, Hott, Rowan, Paynter, Campbell and Cooper:

H. B. 4538 - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions and pay grades of certain school cafeteria personnel”; to the Committee on Education then Finance.

By Delegates Pushkin, Hill, Hanna, Miley, Hornbuckle, Fluharty, Dean, Estep-Burton, Byrd, Walker and Robinson:

H. B. 4539 - “A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, and to further amend said code by adding thereto a new section, designated §16A-5-11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers to cultivate medical cannabis for patients’ personal consumption”; to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary.

By Delegates Capito, Miller, Shott, D. Kelly, Graves, Byrd and Nelson:

H. B. 4540 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19; to amend and reenact §17C-1-6 of said code; and to amend and reenact §30-29-1, §30-29-5, and §30-29-8 of said code, all relating to the authorization by governing boards of public and private

hospitals to appoint and employ hospital police officers, providing for the qualifications, training, authority, compensation, and removal of hospital police officers; allowing for the assistance of local law-enforcement agencies upon request; and providing limitations on liability of hospital police officers”; to the Committee on the Judiciary then Finance.

By Delegates Foster, Hanshaw (Mr. Speaker) and Howell:

H. B. 4541 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-10a, relating to an occupational limited license”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Hansen, Walker, Estep-Burton, Lavender-Bowe, Pushkin, Diserio, Fleischauer, Miley and Doyle:

H. B. 4542 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g; and to add four new sections to said code, designated as §22-11-31, §22-11-32, §22-11-33 and §22-11-34, all relating to creating the Clean Drinking Water Act of 2020; directing the Secretary of the Department of Public Health to propose maximum contaminant levels or treatment techniques for certain PFAS pollutants; creating the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection; setting forth the team’s responsibilities and powers; requiring facilities using certain PFAS chemicals to report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot; 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 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 94) passed.

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

On this question, the yeas and nays were taken (**Roll No. 37**), 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, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 94) 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. 4002, Creating a felony crime relating to drug delivery resulting in death; 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. 38**), and there were—yeas 90, nays 3, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bates, McGeehan and Pushkin.

Absent and Not Voting: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4002) 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. 4393, Relating to making suffocation and asphyxiation crimes; 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 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4393) 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. 4011, Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions,

Com. Sub. for H. B. 4129, Relating to adoption,

H. B. 4146, Relating to credit for reinsurance,

H. B. 4149, Relating to insurance,

H. B. 4166, Prohibiting certain sex offenders from being in a supervisory position over children,

And,

H. B. 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

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. 2497, Relating to the whistle-blower law,

H. B. 4089, Requiring cursive writing to be taught,

H. B. 4365, Granting of college credit hours for learning English as a second language,

And,

H. B. 4480, Relating to legislative rules for the Higher Education Policy Commission.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Ellington, Espinosa, Hardy, Kessinger, Little and Sponaugle.

Miscellaneous Business

Delegate Boggs noted to the Clerk that he was absent when the votes were taken on Roll Nos. 24 through 29, and had he been present, he would have voted "Yea" thereon.

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

- Delegates Fast, Lovejoy and Mandt for H. B. 4476

- Delegate Westfall for H. B. 3060
- Delegate Fleischauer for H. B. 4394
- Delegates for Fast and Mandt H. B. 4496
- Delegate Porterfield for H. B. 3060, H. B. 4026 and H. B. 4443
- Delegate Fast for H. B. 4510

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

- Delegate Foster for H. B. 4440

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 27, 2020.

Monday, January 27, 2020

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 24, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases,

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections,

H. B. 4501, Relating to the ability to refuse offenders for commitment to a jail,

And,

H. B. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility,

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. 4120, Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts,

And,

H. B. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making,

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

Pursuant to House Rule 80, the Speaker referred H. B. 4120 to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions,

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

Com. Sub. for H. B. 4026 – “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 certain statutory Public Service Commission provisions; and exempting motor vehicles operated under a contract with the West Virginia Department of Environmental Protection exclusively for cleanup and transportation of waste tires generated from state authorized waste tire remediation or cleanup projects from those statutory Public Service Commission provisions,”

With the recommendation that the committee substitute 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. 4493, Relating to age verification requirements for delivery sales of tobacco,

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. 4493) 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. 144 - "A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to precluding the charge of making a materially false statement in the investigation of a misdemeanor offense serving as the basis for a secured bond or pre-trial incarceration"; 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. 311 - “A Bill to amend and reenact §62-4-16 of the Code of West Virginia, 1931, as amended, relating to court-ordered community service; designating supervisor of person sentenced to court-ordered community service; and providing state and political subdivisions immunity from certain suits from individuals participating in court-ordered community service”; 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. 321 - “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”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates P. Martin and C. 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. 35 - “Requesting the Division of Highways to name bridge number 21-1-4.66 (21A212), locally known as Horse Run W-Beam Bridge, carrying County Route 1 over Freemans Creek in Lewis County, the ‘U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge’.”

Whereas, Wade E. Burnside was born August 15, 1929, in Lewis County, West Virginia, and except for military service, lived his entire life in Lewis County on the family farm, still owned by family of his great grandfather, John Lew Burnside. While living on the farm, Wade E. Burnside raised cattle, sheep, hogs and other farm animals, and tended crops including buckwheat and sugar cane; and

Whereas, Wade E. Burnside told friends many stories about working in the corn fields and making molasses at a neighbor's home; and

Whereas, Wade E. Burnside showed his love for farming and his animals, especially his prize bull, Ferdinand; and

Whereas, Wade enlisted in the U.S. Navy in 1949 and served as a boiler technician during the Korean Conflict on the USS Robert A Owens, a destroyer. He was discharged from the Navy in 1953; and

Whereas, Wade E. Burnside used his boiler technician skills as a civilian working on boilers at Reed Station in Lewis County where he worked as a station engineer; and

Whereas, Wade was instrumental in establishing the Jackson's Mill Volunteer Fire Department in 1971. Although he did not serve as a firefighter, he recognized the importance of a community department and worked diligently to get one established in his hometown. Two of his grandsons became members of the department; and

Whereas, Wade E. Burnside recognized the importance of being able to compete as an athlete and for several years was a participant in the torch run for the Special Olympics in West Virginia, donating his time and resources to transport the runners carrying the torch. Wade E. Burnside served well his country and his local community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 21-1-4.66 (21A212), locally known as Horse Run W-Beam Bridge, carrying County Route 1 over Freemans Creek in Lewis County, the "U.S. Navy BT 2nd Wade E. Burnside 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 BT 2nd Wade E. Burnside 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, Cadle, Higginbotham 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. 36 - “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 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 Air Force 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 of age 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 Division of Highways is hereby requested to have made and be placed signs identifying 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 Rodighiero, Evans, Tomblin, R. Thompson, Hicks, Worrell, Phillips, Staggers, N. Brown and Wilson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 37 - “Affirming the Legislature’s commitment to the rights of West Virginia citizens under the Second Amendment to

the United States Constitution and Section 22 of Article III of the West Virginia Constitution.”

Whereas, The Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

Whereas, The Supreme Court of the United States in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

Whereas, The Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms”, as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and thereby made applicable to the states; and

Whereas, The Supreme Court of the United States in *United States v. Miller*, 307 U.S. 174 (1939), held that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

Whereas, Section 22 of Article III of the West Virginia Constitution provides that a “person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use”; and

Whereas, Section 10 of Article III of the West Virginia Constitution provides that no “person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers”; and

Whereas, Section 6 of Article III of the West Virginia Constitution provides that the “rights of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated”; and

Whereas, Section 9 of Article III of the West Virginia Constitution provides that private property “shall not be taken or damaged for public use, without just compensation”; and

Whereas, The right to keep and bear arms is a fundamental individual right that shall not be infringed; and

Whereas, It is the desire of The Legislature to declare its support of the Second Amendment to the United States Constitution and to the provisions of the West Virginia Constitution which protect citizens’ inalienable and individual right to keep and bear arms; and

Whereas, The legislators each took an oath to support and defend the United States Constitution and the West Virginia Constitution; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature affirms its commitment to citizens’ rights under the Second Amendment to the United States Constitution and Section 22 of Article III of the West Virginia Constitution; and further

That, the Legislature opposes any unconstitutional firearms law or any federal or state act, law, order, rule, or regulation, which restricts an individual’s constitutional right to keep and bear arms, firearm accessories, or ammunition; and, be it

Further Resolved, That the Clerk of the House of Delegates shall forward a copy of this resolution to the Governor, every county commission within the State of West Virginia, and the United States Congress.

Delegates Miller, Westfall, Tomblin, Rodighiero, Hicks, Butler and Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 38 - “Requesting the Division of Highways to name a portion of County Route 1/2, Costa Road, near Costa, Boone

County, W.Va., beginning at point (38.16421297N) (-81.71190007W), at the intersection of Secondary Rt. 1, Ashford Nellis Rd., and Costa Rd., County Route 1/2, and ending at point (38.16056707N) (-81.7041669W), traveling approximately .75 miles, the ‘U. S. Army PFC Nile C. Ballard Memorial Road’.”

Whereas, PFC Nile C. Ballard was born June 5, 1917, in Peytona, Boone County, West Virginia, to Edgar H. and Lillian Ballard; and

Whereas, PFC Ballard was the middle sibling with one older sister, Orpha, and one younger sister, Mildred, and grew up in Costa, Boone County, West Virginia, and graduated from Sherman High School in 1940; and

Whereas, Before enlisting in the United States Army, PFC Ballard worked as a coal miner while living with his parents; and

Whereas, On February 22, 1942, PFC Ballard enlisted in the United States Army, receiving his training at Fort Bragg, North Carolina, where he became a Private First Class; and

Whereas, Upon completion of training, PFC Ballard embarked overseas in June 1942, serving as a medic in the 168th Infantry Regiment, 34th Infantry Division; and

Whereas, PFC Ballard participated in the invasion of North Africa and the Tunisia campaign. At that time, less than one year after entering service, the International Committee of the Red Cross reported PFC Nile Ballard had been captured by the enemy February 1, 1943; and

Whereas, PFC Ballard was a prisoner of war for at least 1,043 days, or more than two years and 10 months, one of the longest durations of captivity recorded, and was held prisoner in various locations including Italy, Germany and Russia; and

Whereas, During the course of his three years of service, he managed to escape the enemy five times. At one time PFC Ballard was concealed by an Italian family for eight months, only five miles from the Allied front, where he was captured the final time

and ultimately held as a prisoner of war at Stalag 3B near Fuerstenberg, Prussia, where 4,222 American POWs were held, under control of Nazi Germany; and

Whereas, On April 15, 1945, during an Allied Bombing raid, PFC Ballard was tragically killed, at a camp which was liberated only 20 days later with the surrender of Germany; and

Whereas, Even in the custody of enemy forces, PFC Ballard time and time again showed never-ending bravery, ingenuity and resolve to fight for freedom until he left this earth; and

Whereas, Throughout his brief military career, PFC Ballard received numerous decorations, including an Army Good Conduct Medal and Purple Heart; and

Whereas, At 28 years of age, PFC Ballard was a young man who devoted his life to his country and gave his life fighting for us to keep the freedom that we all enjoy because of men and women like him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a portion of County Route 1/2, Costa Road, near Costa, Boone County, W.Va., beginning at point (38.16421297N) (-81.71190007W), at the intersection of Secondary Rt. 1, Ashford Nellis Rd., and Costa Rd., County Route 1/2, and ending at point (38.16056707N) (-81.7041669W), traveling approximately .75 miles, the “U. S. Army PFC Nile C. Ballard 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 at both ends identifying the road as the “U. S. Army PFC Nile C. Ballard Memorial Road”; and, be it

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

Delegates Barnhart, D. Kelly, Azinger, J. Kelly, Anderson and Criss 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 a portion of Ritchie CR 16/35, known locally as School Road, beginning at the junction of WV 16 (MP 0,00) and ending at the junction of US 50 (MP.0.75) Ritchie County, the 'Coach Kenny Wright Road'."

Whereas, Kenny Wright spent 42 years coaching and teaching prior to his retirement in 2001; and

Whereas, He worked six years at Van High School in Boone County, 21 years at Pennsboro High School where he served as athletic director and football and basketball coach, and 15 years at Ritchie County High School as athletic director and football and basketball coach; and

Whereas, Coach Kenny Wright's Ritchie County High School football teams were in the AA playoffs six times; and

Whereas, Coach Kenny Wright received many awards and honors; and

Whereas, Coach Wright was named Athletic Director of the Year in 1989-1990, received the Award of Merit from WVADA in 1998-1999, and was inducted into the first North-South Football Hall of Fame; and

Whereas, The Coach was Director of the North-South All Star Football Game for 19 years, was a member of the Board of Directors of the National Coaches Association for 15 years and received the National Distinguished Service Award from NHSACA in 2001. He was head coach of the North in the North-South Football Game in 1978. He also was a member of the Ohio Valley Hall of Fame committee and served as president of the Ritchie County Teachers Association and the Little Kanawha Conference. He was named Wayne Underwood Coach of the Year in 1969 and 1994, named St. Mary's High School Alumni of the

Year in 2005, and was inducted into the Mid Ohio Valley Hall of Fame in 2003; and

Whereas, Coach Kenny Wright began working as Sports Editor of the Pennsboro News in 1976; and

Whereas, Coach Kenny Wright is a member of the United Methodist Church in Pennsboro; and

Whereas, It is fitting that an enduring recognition be established to commemorate Coach Kenny Wright 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 a portion of Ritchie CR 16/35, known locally as School Road, beginning at the junction of WV 16 (MP 0,00) and ending at the junction of US 50 (MP.0.75) in Ritchie County, the “Coach Kenny Wright Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters at both ends identifying the portion of road as the “Coach Kenny Wright Road”; and, be it

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

Delegate Hanna 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 51-15-8.69 (51A006), (38.57446, -80.45280) locally known as Diana Deck Girder, carrying WV 15 over the Right Fork of Holly River in Webster County, the ‘The Hall Brothers Veterans Bridge’.”

Whereas, Living in the little village Guardian was Levi M. Hall and Rebecca Perrine Hall and their family of 12 children. When World War II broke out, three sons answered the call to serve their country in the United States Navy; and

Whereas, Walter Ray Hall (1907-1984) was 36 years old when he left his young wife and family and completed basic training at Great Lakes, Illinois. He was transferred to Camp Perry, Virginia, to be deployed, but when it was discovered that he was an educated man and schoolteacher, Walter Hall was instead assigned to educate draftees and bring them up to the necessary fourth-grade level. The war ended just as he was to be shipped out to sea. Following his discharge, Walter Hall returned to Guardian, raised a large family, and continued to serve his state as an educator and school principal in Webster County; and

Whereas, As a 20-year old newlywed, Leonard M. Hall (1922-2011) entered military service at Great Lakes, Illinois. He served aboard the USS New York before being transferred to the USS Franklin, CV-13, serving both in the Atlantic and Pacific oceans. Leonard Hall was awarded a Commendation from the Commander of the Fifth Fleet for distinguished service and meritorious achievement while serving aboard United States aircraft carrier that was striking the main Japanese Islands near Kobe on 19 March, 1945. After his ship was hit in an enemy air attack, there followed a series of violent explosions of ready bombs, rockets and ammunition which penetrated below decks to the engineering spaces and threatened complete destruction of the carrier. In the face of continuing explosions and raging fires, he remained at his post, despite suffocating smoke and intense heat, and effectively carried out the orders of his commanding officer. His courage, loyalty and devotion to duty contributed materially to the saving of the ship and were in keeping with the highest traditions of the United States Naval Service. Leonard Hall remained in Webster County for several years, raised a family of nine children in Preston and Monongalia counties, and worked as a West Virginia coal miner until his retirement; and

Whereas, Millard Ross Hall (1926-1973) was the youngest child of the family, leaving the family farm to join the service at

the tender age of 16 to follow in his brothers' footsteps. Millard Ross Hall served in the U.S. Navy, and was stationed in Dutch Harbor, Alaska during Japan's invasion of the Aleutian Islands. He was also stationed in Egypt and served aboard the USS Savannah in the Mediterranean Sea. Millard Ross Hall later raised a family of three sons and further served West Virginia in its coal mines until his death at the young age of 47; and

Whereas, From their humble beginnings, these three young West Virginians answered the call of service to their country in the United States Navy and asked for nothing in return. Thus, it is fitting that an enduring tribute be established to honor the service of the Hall 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 51-15-8.69 (51A006), (38.57446, -80.45280) locally known as Diana Deck Girder, carrying WV 15 over the Right Fork of Holly River in Webster County, "The Hall Brothers Veterans 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 Hall Brothers Veterans 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.

And,

Delegates Hartman, N. Brown, 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. 41 - "Requesting the Division of Highways name bridge number 42-33-8.40, locally known as Gum Lick Run Bridge, carrying US Route 48 over Gum Lick Run in Randolph County, the 'U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge'."

Whereas, Private First Class Dennis Warren Baxter was born on May 18, 1947, in Elkins, WV, and reared and educated in Randolph County, the son of Gorman Baxter of Summit, NJ, and mother Doris Houston; and

Whereas, Following the divorce of his parents and his graduation from Elkins High School in 1965, Private First Class Dennis Warren Baxter, while visiting his mother, living in Clarksburg, WV, joined the United States Marine Corps. Then after visiting his father in Summit, NJ, departed for Parris Island, SC and commenced active duty; and

Whereas, In July 1966, PFC Baxter arrived in Vietnam where he served as an assault infantryman with 3rd Platoon, Hotel Company, 2nd Battalion 5th Marines, 1st Marine Division, III Marine Amphibious Force; and

Whereas, PFC Baxter was killed on January 26, 1967, as a result of multiple gunshot wounds after his platoon was attacked by a large North Vietnamese Army force while crossing Song Thu Bon River on "Operation Tuscaloosa" in Quam Nam Providence, South Vietnam; and

Whereas, PFC Baxter was awarded the Purple Heart Medal, Combat Action Ribbon, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal, Presidential Unit Citation, Vietnam Gallantry Cross Unit Citation, and the Good Conduct Medal; and

Whereas, PFC Baxter's name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 14E, Line 78; and

Whereas, PFC Baxter was one of several hundred West Virginia residents and one of over 17 Randolph County residents to make the ultimate sacrifice for his county during the Vietnam

War. He is buried in the American Legion Little Arlington Cemetery, Randolph County, West Virginia; and

Whereas, PFC Baxter, on the date of death, left his father, Gorman Baxter; his mother, Doris Houston; brother, David Houston; sister, Patricia Roy; grandparents, Mr. and Mrs. Dennis Baxter; and maternal grandmother, Mrs. John Roy of Lumberport, WV; and

Whereas, The ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, requires us to honor Private First Class Dennis Warren Baxter 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 42-33-8.40, locally known as Gum Lick Run Bridge, carrying US Route 48 over Gum Lick Run in Randolph County, the “U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. PFC Dennis Warren Baxter, USMC, 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 motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegate Hanshaw (Mr. Speaker):

H. J. R. 109 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials; providing that courts have no jurisdiction or authority to stay or enjoin an impeachment proceeding or a trial of impeachment; specifying that

rules of practice or procedure relating to impeachment or a trial of impeachment are not subject to judicial review or interpretation; clarifying that a separate vote of two thirds of the members of the Senate is required to disqualify a person from any office of honor, trust, or profit; designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; 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 Waxman, Steele, Phillips, Miley, Queen, Hamrick, Foster, Bibby, Kump, N. Brown and Fast:

H. B. 4544 - “A Bill to amend and reenact §60A-4-401 and §60A-4-406 of the Code of West Virginia, 1931, as amended, all relating to possession of any controlled substance on the premises of or within 200 feet of a public library, and applying a mandatory period of incarceration prior to parole eligibility for persons 18 years old or over who are convicted of distributing a controlled substance within 200 feet of a public library”; to the Committee on the Judiciary.

By Delegates Westfall, Atkinson, Tomblin, Sypolt, Anderson, Cadle, Hott, Hartman, D. Kelly and Dean:

H. B. 4545 - “A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended; relating to the powers of the director with respect to the Section of Parks and Recreation payment for retail licensee purchases from the Alcohol Beverage Control Commissioner”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Atkinson, Bartlett, Cooper, Dean, Ellington, Evans, J. Kelly, Lavender-Bowe, Westfall and Higginbotham:

H. B. 4546 - “A Bill to amend and reenact §18-4-2 of the Code of West Virginia, 1931, as amended, relating to tuberculosis testing for school superintendents; removing requirement for biennial screenings; and adding permissive screenings based upon suspicion of exposure”; to the Committee on Education then Health and Human Resources.

By Delegate Sypolt:

H. B. 4547 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §11-14D-1, §11-14D-2 and §11-14D-3, all relating to providing tax credits to expand access to gainful employment by providing vehicles to certain low-income persons; authorizing a tax credit for individual tax payers under certain conditions; authorizing a tax credit to licensed automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that the Tax Commissioner track the number and amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing the Tax Commissioner can develop criteria for allocating percentages of the total allowable tax credits to qualified charitable organizations; establishing the maximum amount of tax credits for tax years 2020 through 2021 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Hamrick, Maynard, Hardy, Bibby, Staggers, Higginbotham, Hanna, Barnhart, Walker, J. Jeffries and Ellington:

H. B. 4548 - “A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person’s driver’s license to be suspended for the failure to pay court fines and costs”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Cadle, R. Thompson, Atkinson, Anderson, Hartman, Tomblin, Sypolt, Westfall, Hott, Cooper and Dean:

H. B. 4549 - “A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to the use of a crossbow to hunt”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Byrd, Lovejoy, Mandt, Foster, Steele, N. Brown, Bates, Linville and Skaff:

H. B. 4550 - “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 Finance.

By Delegates Hill and Pack:

H. B. 4551 - “A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to subsidized adoption; establishing criteria for the continued receipt of adoption subsidies; providing an enhanced definition of support; and establishing mechanisms to limit the subsidy for families with children in long-term residential placement”; to the Committee on Health and Human Resources then Finance.

By Delegate Barnhart:

H. B. 4552 - “A Bill to amend and reenact §12-3-10c of the Code of West Virginia, 1931, as amended, relating to state accounting system transaction fees; removing the centralized accounting system transaction fee; establishing a penalty fee for spending units failing to utilize a state purchasing card when the state purchasing card is accepted by a vendor; authorizing the Auditor to waive penalty fees in emergency or other circumstances; creating the Transparency and Oversight Support Fund; and prescribing the manner of billing and collection of penalty fees”; to the Committee on Finance.

By Delegates Lavender-Bowe, Caputo, S. Brown, Estep-Burton, Staggers, Angelucci, Longstreth, Swartzmiller, Pyles, Zukoff and C. Thompson:

H. B. 4553 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4 and §33-15F-5, all relating to requiring certain health insurance providers to provide fertility services coverage; providing legislative findings; defining terms;

providing conditions and activities, infertility and fertility diagnoses and medical procedures to be covered; providing requirements relating to diagnosis, treatment and other related activities; establishing required and prohibited services insurance coverage; and directing the Insurance Commissioner to promulgate legislative rules”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Lavender-Bowe, Caputo, Estep-Burton, Staggers, Angelucci, Longstreth, Walker, Barrett, S. Brown, Swartzmiller and Campbell:

H. B. 4554 - “A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-3ff; and to amend said code by adding thereto a new section, designated §33-24-7u, all relating to insurance coverage for insulin”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Storch, Cowles, Criss, Ellington, Linville, Maynard, Pack, Rowe, Skaff, Bates and Hartman:

H. B. 4555 - “A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted”; to the Committee on Government Organization then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 4011, Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; on third reading, coming up in regular order, was read a third time.

Delegate Pushkin moved that the bill be recommitted to the Committee on Government Organization.

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

The yeas and nays having been ordered, they were taken (**Roll No. 40**), and there were—yeas 38, nays 55, absent and not voting 7, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Lavender-Bowe, Longstreth, Lovejoy, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Caputo, Cowles, Hornbuckle, Mandt, Miley, Storch and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the motion to recommit the bill to the Committee on Government Organization was rejected.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 58, nays 35, absent and not voting 7, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Caputo, Cowles, Hornbuckle, Mandt, Miley, Storch 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. 4011) 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. 4129, Relating to adoption; 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 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Caputo, Cowles, Hornbuckle, Mandt, Miley, Storch 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. 4129) 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. 4146, Relating to credit for reinsurance; 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 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Caputo, Cowles, Estep-Burton, Hornbuckle, Mandt, Miley, Storch and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4146) 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. 4149, Relating to insurance; 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 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Caputo, Cowles, Hornbuckle, Mandt, Miley, Storch and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4149) 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. 4166, 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. 45**), 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: Caputo, Cowles, Hornbuckle, Mandt, Miley, Storch and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4166) 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. 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer 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. 46**), 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: Caputo, Cowles, Hornbuckle, Mandt, Miley, Storch and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4411) 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. 2497, Relating to the whistle-blower law,

H. B. 4089, Requiring cursive writing to be taught,

H. B. 4365, Granting of college credit hours for learning English as a second language,

And,

H. B. 4480, Relating to legislative rules for the Higher Education Policy Commission.

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. 323, Authorizing Department of Administration promulgate legislative rules,

Com. Sub. for H. B. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance,

Com. Sub. for H. B. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day,

Com. Sub. for H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access,

And,

H. B. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cowles, Hornbuckle, Mandt, Miley, Storch and Wilson.

Miscellaneous Business

Delegate Espinosa noted to the Clerk that he was absent when the votes were taken on Roll Nos. 36 through 39, and had he been present, he would have voted “Yea” thereon.

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

- Delegate Pushkin for H. B. 4198

- Delegate Fast for H. B. 2164 and H. B. 2892
- Delegate Linville for H. B. 2149
- Delegate Foster for H. B. 4025
- Delegate Lovejoy for H. B. 4542
- Delegate Porterfield for H. B. 4359, H. B. 4466, H. B. 4474 and H. B. 4502
- Delegates Lavender-Bowe and S. Brown for H. B. 4198
- Delegate Espinosa for H. B. 4466, H. B. 4477 and H. B. 4502

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

- Delegate Pushkin for H. B. 4440
- Delegates Graves and Hamrick for H. C. R. 9

At 12:09 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 28, 2020.

Tuesday, January 28, 2020

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 27, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4094, on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2464, Requiring free feminine hygiene products in grades 6 through 12,

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. 2464) 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. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services,

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

Com. Sub. for H. B. 4470 - "A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and authorizing the Commissioner of the Division of Corrections and Rehabilitation to designate a unit in one or more institutions to house adults remaining under the juvenile jurisdiction of the circuit court to ensure that such persons are not within sight or sound of adult inmates,"

With the recommendation that the committee substitute 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. 4359, Increasing the filing fees for insurers,

And reports the same back with the recommendation that it 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. 4466, Certificates of Insurance Act,

H. B. 4477, West Virginia Mutual to Mutual Insurance Holding Company Act,

And,

H. B. 4502, Relating to insurance adjusters,

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. 4466, H. B. 4477 and H. B. 4502) were each 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. 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 of 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 defining terms,"

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. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

And reports the same back with the recommendation that it 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. 4263, Commissioner of Agriculture, hemp products,

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. 4263) 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. 2149, Relating to the Farm-To-Food Bank Tax Credit,

And,

H. B. 4407, Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment,

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. 2149 and H. B. 4407) 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. 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 Atkinson, 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. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children,

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

Delegate Atkinson, 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. 4456, Allowing a member of a volunteer fire department to purchase a resident lifetime hunting, fishing, and trapping license,

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. 4456) was 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. 8 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; providing for 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 Veterans’ Affairs and Homeland Security then Finance.

A message from the Senate, by

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

S. B. 114 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

A message from the Senate, by

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

S. B. 289 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, §15-3E-5, and §15-3E-6, all relating to creating a Green Alert Plan”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect January 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 303 - “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, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students’ Right-to-Know Act; declaring purpose of helping high school students make more informed decisions about their futures and ensuring they are adequately aware of the cost and benefits of certificate programs, vocational programs, two-year college, four-year college, and other alternative career paths; requiring the State Board of Education to collect and disseminate certain career landscape information; allowing the State Board of Education to execute a memorandum of understanding with any department, agency, or division for information required to be collected; requiring any department, agency, or division that possesses certain required information to provide that information to the State Board of Education annually; and establishing an effective date”; 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. 357 - “A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; 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 consumers sales and service tax and use tax-drugs, durable medical goods, mobility-enhancing equipment, and prosthetic devices per se exemption, motor vehicles per se exemption; and authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement”; 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. 364 - “A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas; authorizing the Division of Highways to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways; authorizing the Division of Highways to promulgate a legislative

rule relating to small wireless facilities on Division of Highways rights-of-way; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to a safety and treatment program; and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to State Vehicle Title, Registration, and Relicensing Project of 2018”; 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. 468 - “A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended, relating to eligibility for license or permit application and unlawful acts when applying for a license or permit”; which was referred to the Committee on Agriculture and Natural Resources.

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. 470 - “A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to use of a crossbow to hunt; decreasing length of crossbow; and specifying measurement method”; which was referred to the Committee on Agriculture and Natural Resources.

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. 487 - “A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to additional powers, duties, and services of Director of Division of Natural Resources; and creating exception to requirement that Division of Natural Resources payments be deposited in bank

within 24 hours”; which was referred to the Committee on Agriculture and Natural Resources.

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. 500 - “A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit application requirements; removing requirement for applicant to provide written release authorizing examination of all medical records regarding qualifying disability; and removing language that completed permit form constitutes Class Y permit”; which was referred to the Committee on Agriculture and Natural Resources.

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. 501 - “A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to purposes and duties of Section of Parks and Recreation of Division of Natural Resources; clarifying location of Greenbrier River Trail; clarifying location of North Bend Rail Trail; and adding protection, operation, and maintenance of Elk River Trail as duty of Section of Parks and Recreation”; which was referred to the Committee on Agriculture and Natural Resources.

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. 509 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-105, relating to venue for custodial allocation actions independent of divorce”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Higginbotham, Graves, Cowles, Waxman, Linville, Maynard, Hardy, Bartlett, Hornbuckle and Barrett offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

H. R. 8 - “Resolution supporting the signing of a Bilateral Trade Agreement between the United States and the Republic of China (Taiwan), celebrating the landmark 40th anniversary of the sister-state ties between the State of West Virginia and Taiwan, reaffirming support for Taiwan’s meaningful participation and contribution in international organizations, and for strengthening and expanding sister-state ties between the State of West Virginia and Taiwan.”

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2019, Taiwan ranked as second freest country in Asia by Freedom House, and ranked 10th among 180 world economies in terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in the world; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education and cultural exchange. In 2020, the State of West Virginia celebrates the landmark 40th anniversary of the sister-state ties with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, In 2018, the bilateral trade between West Virginia and Taiwan amounted to nearly \$101.8 million, and Taiwan is our seventh-largest export market in Asia, demonstrating that Taiwan is not only a friendly sister-state of West Virginia but also an important trading partner; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase the trade and investment, endorses Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to boost greater West Virginia exports to Taiwan and considers to re-open a trade office in Taiwan to bring in more Taiwanese investment such as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, The United States and Taiwan have forged ever stronger economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law and free market principles; with United States now Taiwan's second-largest trading partner and second-largest destination of Taiwan outward investment; and with Taiwan now the 10th largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, In the 2018/19 academic year, 23,369 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$902 million to the U.S. economy, through their spending on tuition, accommodation and living expenses; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and is necessary to be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nations Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL);

Resolved by the House of Delegates:

Now, therefore, be it resolved, that the Legislature of the State of West Virginia, endorses Taiwan's efforts to secure the signing of Bilateral Trade Agreement with the United States; commends Taiwan's vibrant, full-fledged democracy; celebrates the landmark 40th anniversary of sister-state ties with Taiwan; reaffirms its commitment to the strengthening and deepening of the sister-state

relationship between the State of West Virginia and Taiwan; and continues to support Taiwan's meaningful participation and contribution in international organizations which impact the health, safety, and well-being of its people, and supports its aspiration to make more contribution in the international community.

Further Resolved, That a copy of this resolution be sent to Governor Jim Justice of West Virginia, and another sent to Mr. Stanley Kao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

And,

Delegates Rodighiero, Tomblin 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. 43 - "Requesting the Division of Highways to name a one-mile section of WV Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the 'U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway'."

Whereas, Army Specialist Nunnery was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

Whereas, Army Specialist Nunnery served in the United States Army in Korea and Germany; and

Whereas, Following his military service, Army Specialist 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, Army Specialist 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, Army Specialist Nunnery was Vice Chairman of the Democratic Party in Boone County for more than 10 years and assisted numerous veterans to file and receive benefits; and

Whereas, Army Specialist 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, West Virginia, 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 erect signs containing bold and prominent letters identifying that 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.

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Fleischauer, Pethtel, Estep-Burton, Lavender-Bowe, Caputo, Bates, Boggs, Hansen, Staggers, Angelucci and Hartman:

H. J. R. 110 - “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 amendments”; to the Committee on Political Subdivisions.

Petitions

Delegate Pushkin presented a petition from individuals urging Delegates to keep drinking water safe and reject **H. B. 4079**, Altering the definition of an aboveground storage tank; which was referred to the Committee on Energy.

Bills Introduced

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

By Delegates Shott, Maynard, Rowan, Pushkin, Westfall, Lavender-Bowe, S. Brown and Cowles:

H. B. 4556 - “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates, authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate’s failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program”; to the Committee on the Judiciary.

By Delegate Hill:

H. B. 4557 - “A Bill to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-3 of said code, all relating to centers and institutions that provide the care and treatment of mentally ill or intellectually

disabled individuals and group residential homes treating behaviorally disabled individuals; to include the ability to impose civil money penalties against such facilities for good cause; and to update obsolete terminology”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Maynard, Householder, Howell, Graves, Rowan, Hardy, Espinosa, Linville, Hill, Pack and Criss:

H. B. 4558 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6 and §11-13FF-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for require contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commission to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Shott:

H. B. 4559 - “A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating to modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor”; to the Committee on the Judiciary.

By Delegates Hansen, Higginbotham, Skaff, Steele, Fleischauer, Walker, Pyles, Williams, Barrett, Canestraro and Pushkin:

H. B. 4560 - “A Bill to amend and reenact §60-8-6b of the Code of West Virginia, 1931, as amended, relating to deliveries by a licensed wine specialty shop”; to the Committee on the Judiciary.

By Delegates Campbell, Maynard, Bates, Pack, Paynter, Steele, Evans, Lavender-Bowe, Toney and Cooper:

H. B. 4561 - “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 Anderson, Cowles, J. Kelly, Hanshaw (Mr. Speaker), Miley, Hansen, Miller, Evans, Higginbotham, Westfall and Azinger:

H. B. 4562 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1o, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multiyear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy generating facilities, energy storage resources, or both, under specified conditions and limitations; providing that annual energy output is to be offered for sale, sold, or contracted to be sold to residential, commercial, or industrial customers, pursuant to a renewable special contracts or renewable tariffs; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures;

establishing accounting methods, practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission approved rates that include cost recovery with certain defined items; defining concurrent cost recovery; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date”; to the Committee on Energy.

By Delegates Walker, Fleischauer, Pushkin, Estep-Burton, C. Thompson, S. Brown and Hornbuckle:

H. B. 4563 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1, §29-32-2, §29-32-3, §29-32-4, §29-32-5, §29-32-6, §29-32-7, §29-32-8, §29-32-9, §29-32-10, §29-32-11, §29-32-12 and §29-32-13, all relating to creating a law-enforcement transparency board; providing structure, and selection process for members; providing definitions; providing that the Attorney General serve as administrative head of the board and describing powers and duties; required meetings, reports, and board powers, duties, and authority; how board funded and staff trained; receiving complaints and investigation process; requiring Law-Enforcement Agencies to cooperate with the board; disposition of cases; requiring board to provide findings of investigations to appropriate oversight authorities; and disciplinary oversight”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates D. Jeffries, Foster, Mandt, Steele, Hanna, Waxman, Sypolt, Bartlett, Phillips and McGeehan:

H. B. 4564 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9-9, relating to participation in school sports”; to the Committee on Education.

By Delegates Walker, Longstreth, Staggers, Pyles, Williams, Hansen, Estep-Burton, Angelucci and Fleischauer:

H. B. 4565 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, and

§16-59-8, all relating generally to prohibiting the use of polystyrene containers; definitions; and authorizing the West Virginia Department of Health and Human Resources to impose civil fines for violations”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Higginbotham, Hanna, Ellington, Householder, Graves, Maynard, Hardy, Bartlett and Barrett:

H. B. 4566 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §11-24-6c, relating to establishing a tax deduction against corporation net income tax for retail food distributors that donate certain surplus food products to school ‘backpack programs’ and school pantries; requiring rulemaking; defining terms”; to the Committee on Finance.

By Delegates Higginbotham, Pushkin, Walker, C. Thompson, Hornbuckle, Steele, Hill, Dean, Hamrick and Barrett:

H. B. 4567 - “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 the use of medical cannabis; allowing medical cannabis to be dispensed as dry flower or plant flower and in edible forms; removing the restriction that medical cannabis not be dispensed in dry leaf or plant form; and removing the prohibition on smoking medical cannabis”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Higginbotham, Graves, Ellington, Linville, Hanna, Hardy, Pushkin, Barrett and Hornbuckle:

H. B. 4568 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students, on warning signs and resources to assist in suicide prevention under guidelines established by the state board”; to the Committee on Education then Finance.

By Delegates Hill and Pack:

H. B. 4569 - “A Bill to amend and reenact §11-27-10a of the West Virginia Code of 1931, as amended, relating to imposing a health care related provider tax on certain health care organizations”; to the Committee on Health and Human Resources then Finance.

By Delegates Campbell, Caputo, Rowan, Hott, Storch, Rodighiero, C. Thompson, R. Thompson, Walker, Lavender-Bowe and Zukoff:

H. B. 4570 - “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 Campbell, Butler, Hanna, Canestraro, Pack, Hill, Lavender-Bowe, D. Jeffries, D. Kelly, Miller and Lovejoy:

H. B. 4571 - “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; providing for an effective date”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Hill:

H. B. 4572 - “A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, relating to the

requirement that provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under the plans offered in §5-16-1 *et seq.* of this code”; to the Committee on Health and Human Resources.

By Delegate Hill:

H. B. 4573 - “A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable ‘third-party’ to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; providing a priority right to the department for subrogation payments; requiring department authorization before finalizing a settlement in certain circumstances; establishing notice, procedure and consent requirements for settlement allocation; setting forth the procedure when the department rejects a settlement allocation; establishing the burden of proof for allocation dispute proceedings; requiring a trial court to consider the department’s interests in maximizing recovery in an allocation dispute; requiring a trial court to issue findings of fact and conclusions of law; exempting from this section a final subrogation lien of less than \$1,500; modifying the penalty for failure of recipient’s legal representative to notify the department to include interest; and establishing an effective date”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hansen, Skaff, Tomblin, Miller, Bates, Evans, Hornbuckle, Anderson, Cooper, Miley and S. Brown:

H. B. 4574 - “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 establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption; providing legislative findings; establishing a Just Transition Office to administer the program; providing for a Just Transition Advisory Committee to study and

advise the office; defining terms; requiring submission of plans to the Legislature; providing that certain coal operations and electric utilities provide information to the office relating to job losses when a facility is closing; and providing for expiration of the article”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Fleischauer, C. Thompson, Walker, Zukoff, Longstreth, Hansen, Hartman, Angelucci, Williams, S. Brown and Hornbuckle:

H. B. 4575 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-13-1, §3-13-2, §3-13-3, §3-13-4, §3-13-5, and §3-13-6, all relating to implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote; setting forth who may be members to the agreement; establishing the manner of appointing presidential electors in the member states; setting forth the provisions of the agreement that the member states must enact into state law setting forth the responsibilities of certain officials; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegates Shott, Nelson, Lovejoy, Canestraro, Steele and Byrd:

H. B. 4576 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-11, relating to establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; providing definitions; establishing that obvious description errors in a recorded deed, deed of trust or mortgage involving the transfer of interest in real property may be corrected by recorded affidavit; requiring that the correction of an obvious description error may not be inconsistent with the recorded property description; establishing that prior to recording a corrective affidavit all interested parties must be notified of the intent to record a corrective affidavit and the right of each party to object; requiring that notice to correct an obvious error, and a copy of the accompanying affidavit must be provided to any owner of adjoining property, each party to the deed, deed of trust or mortgage, and the address for the property needing correction; if a

local entity is a party, notice shall be sent to the attorney for the local entity or the local entity; if the state is a party, notice shall be served upon the Attorney General and the state agency that has or had possession of the property; establishing that if there is no objection within 30 days of service upon all designated parties to the deed, pertinent attorneys, the title insurance company and adjoining property owners, the corrective affidavit may be recorded; establishes the contents of the corrective affidavit; establishes the effect of the corrective affidavit once filed; requires a title insurance company to issue an endorsement to reflect the corrective affidavit; requires the clerk to record and index the corrective affidavit in the deed book; establishes that a recorded affidavit is prima facie evidence of the facts stated therein; requires associated costs be paid by the recording party; provides that a person who wrongfully records a corrective deed is liable for actual damage, reasonable costs, and attorney fees; provides that remedies under this section are not exclusive; and provides a format for the corrective affidavit and notice of an intent to correct an obvious description error”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2497, Relating to the whistle-blower 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. 47**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bartlett, Bibby, Foster, D. Jeffries, Steele and Waxman.

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt 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. 2497) 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. 4089, Requiring cursive writing to be taught; 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 87, nays 8, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Espinosa, Fluharty, Higginbotham, McGeehan and Rowe.

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4089) 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. 4365, Granting of college credit hours for learning English as a second language; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on H. B. 4365 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. 49**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4365) passed.

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

H. B. 4365 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to authorizing granting of college credit hours for learning English as a second language; authorizing state higher education institutions to grant college credit hours for English learned as a second language and to accept English learned as a foreign language to satisfy college foreign language requirement; requiring jointly proposed rules to set and identify required test scores.”

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

H. B. 4480, Relating to legislative rules for the Higher Education Policy 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. 50**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4480) 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. 323, Authorizing Department of Administration promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Com. Sub. for H. B. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; on second reading, coming up in regular order, was read a second time.

Delegate Canestraro moved to amend the bill on page two, section one-a, lines nineteen through twenty-one, following the word “code” and the semicolon, by inserting the word “or” and striking out lines 20 and 21 in their entirety, and re-lettering subdivision (E) accordingly.

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. 51**), and there were—yeas 35, nays 60, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Byrd, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Graves, Hansen, Hartman, Hicks, Higginbotham, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miller, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

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.

Delegate Summers asked and obtained unanimous consent to return to further consideration of **Com. Sub. for S. B. 323**.

On motion of Delegate Shott, the bill was amended on page two, section two, line two, by striking out the number “13a” and inserting in lieu thereof the number “5”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Kelly, the bill was amended on page three, section forty-five, line fifty-seven, by striking out the words “May 31st” and inserting in lieu thereof the words “June 7th”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access; on second reading, coming up in regular order, was reading a second time and ordered to engrossment and third reading.

H. B. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans; on second reading, coming up in regular order, was reading a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4094, Continuing the Foster Care Ombudsman; on second reading, coming up in regular order, was reading a second time.

On motion of Delegates Pack, Hill and Summers, the bill was amended on page two, section one hundred two, line three, after

the word “investigate”, by inserting the words “except as provided in §49-9-102(c)” and a comma.

On page three, by striking out subsection (d) in its entirety and re-lettering the remaining subsection, accordingly.

And,

On page three, by inserting a new subsection (e) to read as follows:

“(e) Beginning with the third quarter of 2020, the Foster Care Ombudsman shall submit a written report to the Governor containing:

(1) The number of complaints;

(2) The types of complaints;

(3) The location of the complaints;

(4) How the complaints are resolved;

(5) Any other information the Foster Care Ombudsman feels is appropriate.

(f) Beginning in December 2020, the Foster Care Ombudsman shall summarize the quarterly reports and present that information to the Legislative Oversight Commission on Health and Human Resources Accountability.”

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. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions,

H. B. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making,

H. B. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases,

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections,

H. B. 4501, Relating to the ability to refuse offenders for commitment to a jail,

And,

H. B. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

Delegate Wilson inquired of the Chair regarding the extent of legislative immunity, the opening portions of session, and access to the House Chamber.

In response, the Speaker indicated that the question of immunity is a legal question for the court and informed the Delegates that the rear doors of the Chamber will be accessible to Members at all times when the House has been called to order.

Miscellaneous Business

During the floor session and prior to passage, Members asked and obtained unanimous consent to be added as cosponsors of the following bills:

- Delegate C. Thompson for Com. Sub. for H. B. 2497

- Delegates Fast, Linville and Hicks for H. B. 4089
- Delegate Porterfield for H. B. 4365

Delegates Staggers and Maynard filed a form with the Clerk's Office to make Delegate Maynard the lead sponsor of H. B. 4123.

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

- Delegate Porterfield for H. B. 3049, H. B. 4375, H. B. 4427, H. B. 4477, H. B. 4484 and H. B. 4356
- Delegate Pyles for H. B. 4432, H. B. 4473, H. B. 4484 and H. B. 4491
- Delegate Bates for H. B. 4502
- Delegate Hansen for H. B. 2149
- Delegate Pyles for H. B. 4068, H. B. 4471, H. B. 4483, H. B. 4499, H. B. 4525, H. B. 4533 and H. B. 4542
- Delegate C. Thompson for H. B. 3081 and H. B. 4473

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

- Delegates Linville and D. Jeffries for H. C. R. 9

At 12:42 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 29, 2020.

Wednesday, January 29, 2020

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 28, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4421, Natural Gas Liquids Economic Development Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4421) was referred 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. 4484, Relating to the Hazardous Waste Management Fund,

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

Com. Sub. for H. B. 4484 - “A Bill to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fund; extending the termination date from June 30, 2020, to June 30, 2025, thereby allowing the continuance of the annual certification fees for facilities that manage hazardous waste and allowing the continuance of the fund into which the fees are deposited,”

With the recommendation that the committee substitute 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. B. 4383, Facilitating Business Rapid Response to State Declared Disasters Act of 2020,

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. 4383) was referred to the Committee on Finance.

On motions for leave, the following bills were introduced (Originating in the Committee on Pensions and Retirement and reported with the recommendation that they each do pass), which were read by their titles, as follows:

By Delegates Graves, Nelson, Anderson, Pethtel and Evans:

H. B. 4600 - “A Bill amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to the definition of the term member for the purpose of distributing premium tax proceeds through the Municipal Pensions Security Fund to municipal policemen’s and firemen’s pension and relief funds,”

And,

By Delegates Graves, Nelson, Anderson, Pethtel and Evans:

H. B. 4601 - “A Bill amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to the distribution of premium tax proceeds to municipal policemen’s and firemen’s pension and relief funds which have members participating in a deferred retirement option plan.”

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

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

H. B. 4356, Relating to the administration of anesthetics,

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

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

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

H. B. 3049, Improving dissemination of boiled water advisories to affected communities,

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

Com. Sub. for H. B. 3049 - “A Bill to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to public health; improving dissemination of boiled water advisories to affected communities through local health departments and local emergency management 911 answering points; requiring boiled water advisories to be communicated through alert mass notification systems,”

H. B. 4059, Increasing access to long acting reversible contraception,

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

Com. Sub. for H. B. 4059 - “A Bill to repeal §16-2B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2B-1 and §16-2B-2 of said code, all relating family planning; increasing access to long acting reversible contraception; requiring payment of long acting reversible contraception; requiring certain contract provisions; requiring training of health care practitioners; prohibiting certain policies; permitting a health care practitioner to perform family planning at a local health department; and updating terminology,”

And,

H. B. 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs,

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

Com. Sub. for H. B. 4198 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-2, relating to required insurance coverage; permitting a person to obtain a 12-month supply of contraceptive drugs; defining terms; and providing exclusions,”

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 4434, West Virginia health care workforce sustainability study,

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

Com. Sub. for H. B. 4434 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new section, designated §5B-1-9, relating to the study of the health care workforce; defining terms; directing the Department of Commerce to issue a report; setting forth the contents of the report; requiring certain entities to report information; and deeming any information received by the department for the purpose of creating the report to be confidential trade secrets which are exempt from disclosure,”

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. 4434) to the Committee on Finance was abrogated.

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 28th day of January, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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. 51 - “A Bill to amend and reenact §48-10-802 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-10-803, all relating to specifying forms of grandparent visitation; allowing daytime and overnight visits as well as electronic communication; and defining the term ‘electronic communication’”; which was referred

to the Committee on Senior, Children, and Family Issues 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. 191 - “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term”; 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. 201 - “A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; modifying and clarifying elements of offenses; creating new offense of violating a personal safety order where the person against whom the violation is directed is the subject of the order; creating a new offense of harassment to cause a person to physically harm or kill himself or herself; defining terms; enhancing penalties for second and subsequent offenses; authorizing proposal of legislative rules and promulgation of emergency rules by the Governor’s Office of Crime, Delinquency, and Correction; 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

S. B. 523 - “A Bill to amend and reenact §8-22A-28 of the Code of West Virginia, 1931, as amended, relating to municipal subdivision participation in Social Security; and extending the deadline for opting to extend Social Security coverage”; which was referred to the Committee on Pensions and Retirement.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 529 - “A Bill to amend and reenact §14-2-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §14-2A-14a, all relating to establishing limitations on claims and benefits; establishing a two-year time limit for a claimant to file a claim for unjust arrest, conviction, or imprisonment; eliminating the requirement that another person be subsequently charged, arrested, and convicted of the same offense; providing that damages may be reduced upon clear evidence the claimant’s actions contributed to unjust arrest, conviction, or imprisonment; and establishing a 10-year limitation on eligibility to receive benefits under certain conditions”; 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. 532 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen’s or firemen’s pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund”; which was referred to the Committee on Pensions and Retirement.

Bills Introduced

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

By Delegates Atkinson, Sypolt, Boggs, D. Jeffries, Butler, Rowan, Westfall, Miller, Queen and Lavender-Bowe:

H. B. 4577 - “A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend said code by adding thereto a new section, designated §17C-11-6, all relating to electric bicycles; defining electric bicycles; excluding electric bicycles from registration, title, financial liability, and driver’s license requirements; providing electric bicycle general use regulations; providing the operator of an electric bicycle has the same rights and duties as the operator of a bicycle; providing the use of an electric bicycle may be restricted by an entity having jurisdiction over a bicycle path or trail; providing that an electric bicycle is considered a motor vehicle for purposes of driving under influence of alcohol, controlled substances or drugs; providing for helmet use requirements and class use restrictions for a person under 15 years of age; and providing criminal penalties”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Maynard, Miller, Paynter, Diserio, Swartzmiller, Little and Boggs:

H. B. 4578 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, and §21-1C-5, all relating to prohibiting the employment of unauthorized employees in the construction industry; requiring employers to verify eligibility for employment with the federal government; duties of the attorney general and penalties”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Howell and Miller:

H. B. 4579 - “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; 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 Summers, Hanshaw (Mr. Speaker), Jennings, Waxman and Fast:

H. B. 4580 - “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; 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 Pack and Hill:

H. B. 4581 - “A Bill to amend and reenact §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, and §16-49-8 of the Code of West Virginia, 1931, as amended; all relating to West Virginia Clearance for Access: Registry and Employment Screening; to include the screening of West Virginia Department of Health and Human Resources employees in the background

check process; and streamlining the variance procedures”; to the Committee on Health and Human Resources.

By Delegates Criss, Pack, Hardy, Bates, Pethel, Barrett, Hartman and Williams:

H. B. 4582 - “A Bill recognizing and declaring certain claims against agencies of the state 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 D. Jeffries, Hill, Rowan, Bates, Worrell, Pushkin, Queen, Fleischauer, Pack and Barrett:

H. B. 4583 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4 and §33-53-5, all relating to enacting the Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act; providing a short title; providing for definitions; outlining reporting requirements drug manufacturers and health benefit plan issuers to the Auditor; outlining the required pharmaceutical data required by the Auditor; directing the Auditor to create a searchable pharmaceutical transparency website; protecting confidentiality of patient information; providing registration requirements to drug manufacturers and health benefit plan issuers; and outlining penalties when a health benefit plan or drug manufacturer submits inaccurate or fails to submit information to the Auditor”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Walker, Lavender-Bowe, Zukoff, Longstreth, Pushkin, Hornbuckle, Pyles, Williams, Hansen and Skaff:

H. B. 4584 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to tax exemption for funds from qualified retirement plans used for long-term care”; to the Committee on Health and Human Resources then Finance.

By Delegates Hill and Pack:

H. B. 4585 - “A Bill to amend and reenact §49-2-810 of the Code of West Virginia, 1931, as amended, relating to immunity from criminal and civil liability and amending the provision of

immunity to explicitly grant immunity from civil or criminal liability for individuals providing information or assistance to a good faith report of child abuse or neglect”; to the Committee on the Judiciary.

By Delegates D. Kelly, Maynard, Miller, Williams, Steele, Pushkin and D. Jeffries:

H. B. 4586 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, all relating to establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety, authorizing the appointment of a Chief Hearing Examiner, establishing the organization of the Office of the Chief Hearing Examiner, establishing the jurisdiction of the office of administrative hearings, establishing hearing procedures, establishing rule-making authority, establishing a duty to provide notice of change of address, and establishing policies for the transition from divisions of the department to the office of administrative hearings”; to the Committee on the Judiciary.

By Delegates D. Jeffries, C. Martin, Worrell, Cadle, Hamrick and Sybolt:

H. B. 4587 - “A Bill to amend and reenact §24-2-4 and §24-2-4a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-4e; to amend and reenact §24A-2-4 of said code; to amend and reenact §24A-5-2 of said code; to amend said code by adding thereto two new sections, designated §24A-5-2a and §24A-5-2b; and to amend and reenact §24A-6-1 of said code, all relating to the regulation of the collection, hauling, and disposal of solid waste by motor carriers; authorizing indexed automatic rate increases for solid waste disposal at landfills; authorizing indexed automatic rate increases for solid waste collection and hauling; authorizing rural rates for solid waste collection and hauling; authorizing multi-year contracts; setting procedures for the approval of rates; authorizing solid waste carriers to require pooling; and authorizing the Public Service Commission to promulgate rules”; to the Committee on Government Organization then the Judiciary.

By Delegates Angelucci, Longstreth, S. Brown, Caputo, Stagers, C. Thompson, Boggs, Fleischauer, Zukoff, Fluharty and Pushkin:

H. B. 4588 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-15-1c; and amending said code by adding a new section designated §33-16-1c, all relating to accident and sickness insurance coverage; requiring access to coverage of individuals with preexisting conditions; applicability of the provisions”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Pushkin, D. Jeffries, Jennings, Robinson, Butler and Estep-Burton:

H. B. 4589 - “A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating to causing a study and recommendations by the Commission on the Arts on the construction and design of a memorial to honor West Virginians killed in the United States War on Terror”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Stagers, Walker, Howell, C. Martin, Lavender-Bowe, Diserio, Pyles, Miller, Worrell and Lovejoy:

H. B. 4590 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-2b, relating to allowing a current state employee who is appointed to a position with a statutory set salary to retain their current salary if higher and to retain all of their accrued benefits”; to the Committee on Finance.

By Delegate Hill:

H. B. 4591 - “A Bill to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5, §9-6-6, §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-13 and §9-6-16 of the Code of West Virginia, 1931, as amended, all relating to adult protective services, abuse, neglect, vulnerable adults; amending the definition of ‘financial exploitation’ to include the use of undue influence; redefining ‘caregiver,’ defining ‘fiduciary,’ and ‘undue influence;’ replacing old terms and adding new terms; providing for the release of

investigative summaries of substantiated and unsubstantiated reports of abuse, neglect or financial exploitation to certain individuals; adding employees of a financial institution as mandated reporters of suspected abuse, neglect or financial exploitation; and, providing for the release of suspicious financial transactions to Adult Protective Services”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Fleischauer, Lovejoy, Fluharty, S. Brown, Pyles, Campbell, Miller, Canestraro, Walker, Lavender-Bowe and Rowan:

H. B. 4592 - “A Bill to amend and reenact §14-2-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12A-6 of said code; to amend said code by adding thereto a new section, designated §51-1-23; to amend and reenact §55-2-15 of said code; to amend said code by adding thereto two new sections, designated §55-2-15a and §55-2-15b; and to amend said code by adding thereto a new section, designated §61-11-9a, all relating to criminal and civil sexual offenses; extending periods of limitations for commencing certain criminal and civil sexual offenses; reviving certain civil claims involving sexual offenses committed against minors; authorizing and requesting judicial training in crimes involving sexual assault and sexual abuse, and rules for adjudication of revived child sexual abuse cases”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 4593 - “A Bill to amend and reenact §3-1-30 of the Code of West Virginia, 1931, as amended, all relating to authorizing the assignment of poll workers to serve more than one precinct when those precinct polling places are located in the same building or facility”; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 4594 - “A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, all relating to allowing poll workers to be appointed to work in precincts outside their county of residence”; to the Committee on the Judiciary.

By Delegates Robinson, Hornbuckle, Byrd, Pushkin, Estep-Burton, Rowe, Fast and Skaff:

H. B. 4595 - “A Bill to amend and reenact §17B-1B-2 and §17B-1B-3 of the Code of West Virginia, 1931, as amended, all relating to identification of anatomical organ donors on drivers’ or chauffers’ license”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Toney, Paynter and Dean:

H. B. 4596 - “A Bill to amend and reenact §18A-4-15 of the Code of West Virginia, 1931, as amended, relating to declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment as substitute bus operators without effect on their retirement benefit”; to the Committee on Education then Finance.

By Delegates Higginbotham and Ellington:

H. B. 4597 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to creating a Campus Mentors pilot program; describing Campus Mentors; requiring State Superintendent to issue request for proposals subject to appropriation and authorizing award of four three-year competitive grants; specifying eligible applicants and partner public schools; requiring partner with Campus Mentors organization; specifying criteria that define Campus Mentors program; and describing funding model and permissible expenditures”; to the Committee on Education then Finance.

By Delegates Toney, Paynter and Dean:

H. B. 4598 - “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 begin; 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 Industry and Labor then Government Organization.

By Delegates Butler, D. Jeffries, Bibby, Pack and P. Martin:

H. B. 4599 - "A Bill to amend and reenact §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video

lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's general administrative account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in another location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates"; to the Committee on the Judiciary then Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 323, Authorizing Department of Administration promulgate legislative rules; 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. 52**), 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, Cooper, Hicks, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 323) passed.

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

On this question, the yeas and nays were taken (**Roll No. 53**), 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, Cooper, Fleischauer, Hornbuckle and Mandt.

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. 323) 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. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; on third reading, coming up in regular order, was read a third time.

Delegate Fast requested to be excused from voting on Com. Sub. for H. B. 2419 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. 54**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Fast, Lovejoy, C. Martin, P. Martin, Miller, Pack, Phillips, Robinson and Steele.

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2419) 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. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day; 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. 55**), and there were—yeas 47, nays 50, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Azinger, Barnhart, Bartlett, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Ellington, Estep-Burton, Evans, Fast, Fluharty, Graves, Hanna, Hartman, Hicks, D. Jeffries, J. Jeffries, D. Kelly, J. Kelly, Kessinger, Lavender-Bowe, Longstreth, Lovejoy, Maynard, Miley, Paynter, Pethtel, Robinson, Rodighiero, Rohrbach, Rowan, Sponaule, Staggers, C. Thompson, R. Thompson, Toney, Wilson and Zukoff.

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

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. 2433) rejected.

Com. Sub. for H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access; 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 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Jennings.

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2877) passed.

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

Com. Sub. for H. B. 2877 - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, as amended, relating to parking privileges for persons with a mobility impairment; prohibiting public entities from installing or maintaining parking meters in an accessible parking space bearing the international symbol of access.”

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

H. B. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans; 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 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4030) passed.

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

H. B. 4030 – “A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit for an application for original appointment as a firefighter for honorably discharged veterans of the United States Armed Forces or National Guard.”

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

On this question, the yeas and nays were taken (**Roll No. 58**), 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, Hornbuckle and Mandt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4030) 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. 4094, Continuing the Foster Care Ombudsman; 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. 4094 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. 59**), 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, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4094) 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. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; on second reading, coming up in regular order, was read a second time.

On motion of Delegate S. Brown, the bill was amended on page four, section two, line thirty-nine, following the period, by inserting the following:

“(i) The commission shall by December 1, 2020, develop a strategic plan to: (1) Establish the order of priority for testing kits; (2) test all of the previous kits that can be tested; and (3) establishing a tracking system for use of victims for all kits tested after December 1, 2020, that will allow them to know the status of their test kits. The commission shall submit to the superintendent any additional needed statewide protocols for testing future sexual assault evidence collection kits and recommend agency rules and guidelines for the state police system as provided in this subsection. The commission shall also submit its’ report to the Legislature’s Joint Committee on Government and Finance.”

The bill was then ordered to engrossment and third reading.

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, section five-a, line thirteen, by striking out the words “or correctional institution”.

The bill was then ordered to engrossment and third reading.

H. B. 4501, Relating to the ability to refuse offenders for commitment to a jail; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility; 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. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia,

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

H. B. 4359, Increasing the filing fees for insurers,

H. B. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children,

And,

Com. Sub. for H. B. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, Hornbuckle and Mandt.

Miscellaneous Business

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

- Delegate Summers for H. B. 4161, H. B. 4354 and H. B. 4356
- Delegate Atkinson for H. B. 4161
- Delegate Wilson for H. B. 4354
- Delegate D. Jeffries for H. B. 4520
- Delegate Bates for H. B. 4375 and H. B. 4427
- Delegates Byrd and Pushkin for H. B. 4459
- Delegate Pyles for H. B. 4556, H. B. 4563 and H. B. 4576
- Delegate Foster for H. B. 4137
- Delegate Fast for H. B. 4478
- Delegate S. Brown for H. B. 4061

At 12:45 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 30, 2020.

Thursday, January 30, 2020

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 29, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers,

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. 4444) 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. 4178, Requiring calls which are recorded be maintained for a period of five years,

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. 4178) 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. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster,

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. 4123) was referred to the Committee on Health and Human Resources.

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. 4377, The Protection of Vulnerable Adults from Financial Exploitation 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. 4377) 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. 4362, Relating to penalties for neglect, emotional abuse or death caused by a caregiver,

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. 4362) 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. 4137, Allowing counties to store and maintain voter registration records in a digital format,

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

Com. Sub. for H. B. 4137 - "A Bill to amend and reenact §3-2-4, §3-2-5 and §3-2-29 of the Code of West Virginia, 1931, as amended, relating to allowing counties to store and maintain voter registration records in a digital format; directing the clerk of the county commission to follow designated statutory record destruction process and digital copy creation requirements; providing that physical voter registration records may be destroyed

under designated statutory process; and, providing that following approval of the Secretary of State the clerk of the county commission may destroy original registration records if digital or facsimile copies are made and stored in an electronic format in a designated secure manner,”

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. 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls,

And,

H. B. 4404, Removing the requirement that the Division of Highways read bids aloud,

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. 4083 and H. B. 4404) were each 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. 4478, Creating a lifetime ban for commercial drivers involved in human trafficking,

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. 4478) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard,

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. 4001, Creating West Virginia Impact Fund,

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

Com. Sub. for H. B. 4001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6E-1, §12-6E-2, §12-6E-3, §12-6E-4, §12-6E-5, §12-6E-6, §12-6E-7, §12-6E-8, §12-6E-9, §12-6E-10, §12-6E-11, §12-6E-12, §12-6E-13, §12-6E-14, §12-6E-15, §12-6E-16, §12-6E-17, §12-6E-18 and §12-6E-19, all relating to creating West Virginia Impact Fund, Investment Committee and Mountaineer Impact Office to invest funds in certain projects with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia, generally; providing definitions; creating West Virginia Impact Fund; providing for the transfer of funds to Investment Committee and the purposes for the

expenditure of the funds; providing purpose and goal and investment standards; creating Investment Committee and providing for its membership, appointments; terms; removals; vacancies and quorums; providing for powers and duties of Investment Committee; requiring disclosures of interest; establishing standard of care; creating Mountaineer Impact Office and providing for powers, duties, staffing, management and processes for proposing and administering investments in projects approved by Investment Committee; providing for audits and reports; providing opportunity for consultation with West Virginia Investment Management Board; providing for immunities and exemptions; prohibiting political activities; and providing for confidentiality of information,”

With the recommendation that the committee substitute do pass.

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

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

H. B. 4102, Relating to opioid antagonists,

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

Com. Sub. for H. B. 4102 - “A Bill to amend and reenact §16-46-3 of the Code of West Virginia, 1931, as amended, relating to opioid antagonists; prescribing an opioid antagonist; possessing an opioid antagonist; dispensing an opioid antagonist; providing an opioid antagonist; collecting data related to an opioid antagonist; requiring certain reporting of an opioid antagonist; providing immunity; making technical changes,”

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. 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.

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. 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant,

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

Com. Sub. for H. B. 2892 - "A Bill to amend and reenact §62-1A-2 of the Code of West Virginia, 1931, as amended, relating to including and defining digital and virtual information in the definition of property that can be searched and seized by a warrant and clarifying that a search warrant issued for a computer, computer network, or other device containing electronic or digital information shall include the search of the contents of that device,"

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, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2696, Creating an additional index system for state-owned lands.

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. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section one-a, line twenty-five, after the word “required”, by changing the period to a colon and inserting the following:

“Provided, That in the event a payment or performance bond is not required, the entity responsible for the contract shall provide to the state agency responsible for overseeing the work a document certifying that all of the claims of subcontractors, laborers, materialmen, and all persons furnishing material have been paid, satisfied, and discharged before final payment is released.”

And,

By amending the title of the bill to read as follows:

H. B. 4130 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contracts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary for residential projects; requiring contractor to provide release of claims before final payment is released if bonds are not required; and making the award of such contracts subject to other competitive bidding requirements of said code.”

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. 60**), 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: Byrd, Hicks and Mandt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4130) passed.

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

On this question, the yeas and nays were taken (**Roll No. 61**), 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: Byrd, Hicks and Mandt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4130) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 209 - “A Bill to amend and reenact §8-6-4a and §8-6-5 of the Code of West Virginia, 1931, as amended, all relating to annexation by minor boundary adjustment; clarifying language regarding entry of order by county commission following annexation of property within urban growth boundary by minor boundary adjustment; requiring that municipality as part of application provide affidavit that persons, businesses, and freeholders in additional territory consent to inclusion in annexation; providing procedure when affected party is unavailable to provide affidavit; requiring county commission to

enter order denying application for minor boundary adjustment annexation upon determination that annexation could be efficiently and cost effectively accomplished under other provisions of said code, that application lacks evidence of consent of all affected parties, or is otherwise insufficient; and prohibiting municipality from applying for annexation by minor boundary adjustment for two years after denial of application”; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 241 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto 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; requiring proposed revisions to the calculation method of the allowance for service personnel; and requiring a report to the Legislature”; which was referred to the Committee on Education.

Resolutions Introduced

Delegates Hartman, Sponaugle, C. Thompson 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. 42 - “Requesting the Division of Highways name bridge number 42.219/86-001.86 (42A143), locally known as Gilman Bridge, carrying US Route 219 over Leading Creek in Randolph County, the ‘PFC David Henry Shiflett Memorial Bridge’.”

Whereas, Private First Class David Henry Shiflett was born on January 7, 1947, in Elkins, West Virginia, and reared and educated

in Randolph County, the son of Henry G. Shiflett and Marietta Shiflett; and

Whereas, On June 18, 1968, Private First Class Shiflett arrived in Vietnam where he served as an Engine and Power Train Repairman in 618th Maintenance Company, 62nd Maintenance Battalion, 45th General Support Group, 1st Logistical Command; and

Whereas, PFC Shiflett was killed on May 11, 1969, as a result of multiple fragmentation wounds after the vehicle he was riding in struck a mine while in a convoy in Kontum Providence, South Vietnam; and

Whereas, PFC Shiflett was awarded the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal with one bronze star, the National Defense Medal, Distinguished Unit Citation, Vietnam Gallantry Cross Unit Citation, Good Conduct Medal and the Combat Infantry Badge (CIB); and

Whereas, PFC Shiflett's name is listed on the Vietnam Memorial Wall in Washington, D.C., Panel 25 W, Line 55; and

Whereas, PFC Shiflett was one of several hundred West Virginia residents and one of over 17 Randolph County residents to make the ultimate sacrifice for his county during the Vietnam War. He is buried in Mountain State Memorial Gardens in Gilman, Randolph County, West Virginia; and

Whereas, PFC Shiflett, on his date of death, left behind his father Henry G. Shiflett, his mother Marietta Shiflett, sisters: Ethel Mele, Judith Ferguson, Mary Shockey and brothers, Edward, Steven, and Timothy Shiflett; and

Whereas, The ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, requires us to honor Private First Class David Henry Shiflett by ensuring that future generations are aware of his sacrifice in the cause of freedom; and

Whereas, The Leland D. "Crow" Crawford Detachment 956, Marine Corps League, Elkins, West Virginia requests this honor

for a son of Randolph County, West Virginia, who answered our nation's call of duty; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42.219/86-001.86 (42A143), locally known as Gilman Bridge, carrying US Route 219 over Leading Creek in Randolph County, the "PFC David Henry Shiflett Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "PFC David Henry Shiflett Memorial Bridge"; and, be it

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

Delegates Walker, Zukoff, Estep-Burton, Lavender-Bowe, Pyles, Summers, Rowan, Worrell, Storch, Lovejoy and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 44 - "Requesting the Department of Administration to conduct a comprehensive study and to report to the Joint Committee on Government and Finance regarding suitable physical, technological, and procedural accommodations for disabled persons in all buildings of the West Virginia State Capitol Complex."

Whereas, The Centers for Disease Control report that 39.2 percent of adults in West Virginia are adversely affected by some form of disability and the West Virginia Department of Education reports that 15.76 percent of West Virginia students, aged six to 21, have some form of disability requiring accommodation by the schools; and

Whereas, Article III, section 16 of the Constitution of West Virginia guarantees the right of all people to consult for the common good, to instruct their representatives, and to apply to their government for redress of grievances; and

Whereas, The people cannot properly benefit from, or exercise, this right when the public cannot communicate with their representatives and public servants because those representatives lack the tools and aids to address and respond to all members of the public; and

Whereas, This right is also impaired when the design, construction, and placement of public facilities and equipment, and the use of unsuitable materials, creates barriers to, or unnecessary hardships and negative effects for, disabled members of the public; and

Whereas, Federal laws, such as the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, require the implementation of reasonable accommodations to facilitate the equal exercise of rights of all people to public services, programs, and activities; and

Whereas, Accommodations for disabled persons comprise a far broader range of adaptations than the construction of ramps and handrails, and can include adaptations in processes and the delivery of programs, technological aids, acoustical engineering, and specialized services of trained personnel; and

Whereas, The State of West Virginia has a solemn obligation to protect the rights of its people guaranteed under the Constitution and laws of this state and this nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Department of Administration to conduct a comprehensive study and to report to the Joint Committee on Government and Finance regarding suitable physical, technological and architectural accommodations for disabled persons in all buildings of the West Virginia State Capitol Complex; and, be it

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

Delegates Robinson, Rowe, Estep-Burton, Byrd, Pushkin, Skaff and Linville 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 20-11-1.21 (20A854), locally known as Alum Creek Bridge 1.21, carrying County Route 11 over Alum Creek in Kanawha County, the ‘U. S. Army Sgt John Matthew Tully Memorial Bridge’.”

Whereas, Sgt Tully was born on November 27, 1988, and grew up in Kanawha County, West Virginia; and

Whereas, Sgt Tully attended George Washington High School and graduated from high school in the spring of 2007; and

Whereas, Sgt Tully enlisted in the United States Army after graduating high school on July 18, 2007, during the conflict with Iraq; and

Whereas, Sgt Tully was stationed at Fort Riley, Kansas and was assigned to the 2nd Heavy Brigade Combat Team, 1st Infantry Division, also known as “The Big Red One,” where Sgt Tully served two tours of duty in Baghdad, Iraq; and

Whereas, Sgt Tully earned many decorations during his time of service including the National Defense Service Medal, Global War of Terrorism Service Medal, and the Iraq Campaign Medal with a Campaign Star while serving in Operation Iraqi Surge during 2008-2009; and

Whereas, Sgt Tully returned home to Kanawha County, West Virginia after serving his country to start a new life as a civilian; and

Whereas, Sgt Tully passed away at the young age of 31; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sgt John Matthew Tully 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 20-11-1.21 (20A854), locally known as Alum Creek Bridge 1.21, carrying County Route 11 over Alum Creek in Kanawha County, the “U. S. Army Sgt John Matthew Tully Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army Sgt John Matthew Tully Memorial Bridge”; and, be it

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

Delegates Toney, Cooper, Paynter and Bates offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 46 - “Requesting the Division of Highways name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie’s Place Lane, in Raleigh County, the ‘U.S. Army CSM Hugh H. “Smokey” Stover Memorial Road’.”

Whereas, U.S. Army Command Sergeant Major Hugh H. ‘Smokey’ Stover was born at Clear Creek, West Virginia on September 30, 1919, to Huey H. and Nora Clay Stover, and passed away on March 12, 2010, in Shady Spring, West Virginia; and

Whereas, Command Sergeant Major Stover retired from the Army with more than 27 years of service, having entered the Army in 1940 as the United States began its military buildup for World War II. During the 35 months he spent in the Pacific, including the

New Guinea Campaign, and earned the Bronze Star Medal for meritorious service. In addition to the Bronze Star, he earned the Army Commendation Medal, the Combat Infantryman Badge, the Good Conduct Medal with eight clasps, the National Defense Service Medal with two Oak Leaf Clusters, the American Defense Service Medal, the Pacific Campaign Medal and the Army Occupation Medal (Germany); and

Whereas, Upon his retirement from the Army, Command Sergeant Major Stover was a truck driver for Raleigh Ready Mix. He helped in the construction of the New River Gorge Bridge; and

Whereas, Command Sergeant Major Stover was an avid baseball fan and played for the Raleigh County League "B" Division in Aameagle. He continued playing baseball and ran track while in the military. He was a member of the First Baptist Church of Shady Spring; and

Whereas, In addition to his parents, Command Sergeant Major Stover was preceded in death by his wife of 56 years, Christine Stover; brothers, Glen, Wade, Tracy, Gerald Wayne "Jim," Sheldon, Nelson; sisters, Ora Dunbar, Farris Buzzard, Sally Scarbro and Vicky Stover; and

Whereas, At the time of his passing, Command Sergeant Major Stover's left behind his daughter, Karen and her husband, Danny Wood; son, Stephen and wife, Evangeline; grandchildren, Eric Wood and his wife, Amy; Adam Wood and wife, Angela; Ryan Wood, Matthew Stover; Megan and husband, Chris Genge; Zach Stover and his wife, Tiffany; Great-grandchildren Amanda and Lacie Wood, Brett Wood, Payton, Gavin Stover and Jonas Genge; his sisters, Wanda Craddock; Ruby and husband, Chuck Gloch; Susie and husband, Harvey Atkins; and his brothers, Elbert and wife, Kitty Stover; Doff and wife, Dorlene Kincaid; and

Whereas, It is fitting that an enduring memorial be established to commemorate Command Sergeant Major Stover and his contributions to our nation, state and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the road as the "U.S. Army CSM Hugh H. 'Smokey' Stover 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, Rowe 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. 47 - "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, 304th Bombardment Wing, 454th 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 1950s and 1960s 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 454th 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 Householder, Maynard, Hanna, J. Jeffries, Paynter, Linville, Dean, Pack, Foster, Kessinger and Wilson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 48 - “Applying to the Congress of the United States to call a convention for 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.”

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her 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; and, be it

Further Resolved, 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.

And,

Delegates Rodighiero, Tomblin, N. Brown, R. Thompson and Hicks offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 49 - "Declaring West Virginia to be a Second Amendment Sanctuary State."

Whereas, The Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

Whereas, The Supreme Court of the United States in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in

a militia, for traditionally lawful purposes, such as self-defense within the home; and

Whereas, The Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and thereby made applicable to the states; and

Whereas, The Supreme Court of the United States in *United States v. Miller*, 307 U.S. 174 (1939), held that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

Whereas, Section 22 of Article III of the West Virginia Constitution provides that a “person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use”; and

Whereas, Section 10 of Article III of the West Virginia Constitution provides that no “person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers”; and

Whereas, Section 6 of Article III of the West Virginia Constitution provides that the “rights of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated”; and

Whereas, Section 9 of Article III of the West Virginia Constitution provides that private property “shall not be taken or damaged for public use, without just compensation”; and

Whereas, The right to keep and bear arms is a fundamental individual right that shall not be infringed; and

Whereas, It is the desire of the Legislature to declare the State of West Virginia as a Sanctuary State for Second Amendment rights and oppose, within the limits of the Constitutions of the

United States and West Virginia, any efforts to unconstitutionally restrict those rights, and to use the legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds and the right to petition for redress of grievances; and

Whereas, The legislators each took an oath to support and defend the United States Constitution and the West Virginia Constitution; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature declares West Virginia to be a Second Amendment Sanctuary State; and further,

That the Legislature opposes any unconstitutional firearms law or any federal or state act, law, order, rule or regulation, which restricts an individual's constitutional right to keep and bear arms, firearm accessories or ammunition; and, be it

Further Resolved, That the Clerk of the House of Delegates shall forward a copy of this resolution to the Governor, every county commission within the State of West Virginia, and the United States Congress.

Motions

Pursuant to House Rule 58, Delegate R. Miller, having voted on the prevailing side when the House of Delegates rejected **Com. Sub. for H. B. 2433** on yesterday, moved that the vote be reconsidered.

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

The yeas and nays having been ordered, they were taken (**Roll No. 62**), and there were—yeas 46, nays 52, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Azinger, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Cooper, Dean, Diserio,

Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, J. Jeffries, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Maynard, Miley, Miller, Paynter, Pethtel, Pushkin, Robinson, Rodighiero, Rohrbach, Rowan, Skaff, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting not having voted in the affirmative, the motion to reconsider the vote by which the House of Delegates rejected Com. Sub. for H. B. 2433 did not prevail.

Bills Introduced

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

By Delegates Evans, Shott, Paynter, Estep-Burton, Lavender-Bowe, Zukoff, Miley, Caputo, Fleischauer, R. Thompson and Rodighiero:

H. B. 4602 - "A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident"; to the Committee on the Judiciary.

By Delegates Worrell and Linville:

H. B. 4603 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-17, relating to choice of law provisions in franchise agreements; declaring agreement voidable if it provides the agreement to be interpreted pursuant to the law of any other state; and establishing effective date of amendments"; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Howell, C. Martin, Hamrick, Barnhart and Jennings:

H. B. 4604 - "A Bill to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating to removing the

requirement that real estate brokers, associate brokers, and salespeople have a fixed office location”; to the Committee on Government Organization.

By Delegates Howell, C. Martin and Hamrick:

H. B. 4605 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities”; to the Committee on Health and Human Resources.

By Delegates Howell, C. Martin, Hamrick, Little, Barnhart, Sypolt and Jennings:

H. B. 4606 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-6a, relating to listing contractor classifications on a contractor license”; to the Committee on Government Organization.

By Delegate Howell:

H. B. 4607 - “A Bill to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact said code by adding thereto a new section, designated §30-27-17a, all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services; defining ‘mobile shop’; establishing prerequisites for operation of a mobile shop; specifying mandatory features and systems; setting the term of licenses; and requiring shop identification and display of license”; to the Committee on Government Organization.

By Delegates D. Kelly, Miller, Williams, Canestraro, Steele, D. Jeffries and Atkinson:

H. B. 4608 - “A Bill to amend and reenact §30-29-3 and §30-29-5 of the Code of West Virginia, 1931, as amended, relating to the duties of the law-enforcement training and certification subcommittee; providing for a minimum of 800 classroom hours for a law-enforcement academy; clarifying that the required classroom hours shall be accumulated on the basis of a full-time curricula; authorizing the law-enforcement training and

certification subcommittee to deny an application for the establishment of a new law-enforcement academy if it is determined that no need exists; requiring that a person seeking certification complete the approved law-enforcement training academy within 18 consecutive months of the commencement of employment as a law-enforcement officer; authorizing extensions of such requirement; requiring graduates of state law-enforcement academies successfully complete an entry level law-enforcement examination promulgated by the law-enforcement training and certification subcommittee prior to certification; establishing time frames for completion of training requirements; and making technical corrections”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Wilson, Bibby, Hardy, Foster, C. Martin, P. Martin, J. Jeffries, Kessinger, Phillips, D. Jeffries and Dean:

H. B. 4609 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-11A-1 and §16-11A-2, all relating to limiting minors’ access to gender reassignment surgery or hormone replacement therapy; providing that a parent, guardian, or other legal custodian of a child seeking hormone replacement therapy or gender reassignment surgery may not substitute his or her consent for that of the child; providing restrictions on physicians using telehealth services in this state; and providing that upon reaching 18 years of age a person may be eligible for gender reassignment surgery or hormone replacement therapy”; to the Committee on the Judiciary.

By Delegates Zukoff, Shott, Barrett, J. Kelly, Skaff, Criss, Lavender-Bowe, Bates, Canestraro, Storch and Pyles:

H. B. 4610 - “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 of nonresidents from natural resources royalty payments; providing legislative findings; defining terms; providing exceptions to the withholding tax requirement; requiring lessee annual withholding statements and filing requirements; requiring electronic filing under specified circumstances; creating penalties; providing for rule-making; and

providing an effective date”; to the Committee on Energy then Finance.

By Delegates J. Jeffries, D. Jeffries, Hanna, Maynard, Porterfield, Phillips, Paynter, Barnhart, C. Martin, Linville and Pack:

H. B. 4611 - “A Bill to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as amended, all relating to fireworks; reducing fees for retail sales locations and requiring provision for fireworks retailers to combine and pay all applicable fees in a single payment”; to the Committee on Finance.

By Delegates Hanna, Hill and Pack:

H. B. 4612 - “A Bill to amend and reenact §16-5-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to include in legislative rules for vital statistics that death certificates contain a space for stating ‘proximate cause of death’ as well as ‘cause of death’”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Butler:

H. B. 4613 - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended, relating to disbursement of the funds in the ‘Gas Field Highway Repair and Horizontal Drilling Waste Study Fund’ for highway road repair; providing that money from the fund is to be expended within the district where gas field and horizontal drilling waste is deposited; and updating grammatical style throughout the section”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Pushkin, Ellington, Skaff, Estep-Burton, Robinson, Capito, Nelson, Byrd and Rowe:

H. B. 4614 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13e; relating to seat belts on school buses; stating findings; requiring seat belts on every new school bus; providing authority to retrofit older buses with seat belts as funds are available; and providing for rules”; to the Committee on Education then Finance.

By Delegates J. Kelly, Anderson, D. Kelly, Zukoff, Pethtel, Westfall, Azinger, Sypolt, Jennings, Atkinson and Barnhart:

H. B. 4615 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-34, relating to establishing the West Virginia Critical Infrastructure Protection Act; defining terms; creating a criminal offense of trespass upon property containing a critical infrastructure facility, upon property containing a critical infrastructure facility with intent to interrupt the lawful operations of the facility; and for causing willful damage to a critical infrastructure facility; establishing criminal offense of conspiracy to commit trespass; establishing criminal penalties; providing for civil liability”; to the Committee on the Judiciary.

By Delegates Wilson, McGeehan, Miller, Pack, R. Thompson, Jennings, Foster, Little, Waxman, P. Martin and Hardy:

H. B. 4616 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §6E-1-1, relating to creating a customer service quality reporting system for public officials and public employees who interact with the general public”; to the Committee on Government Organization.

By Delegates Wilson, McGeehan, Pack, R. Thompson, Foster, Jennings, Little, Waxman, P. Martin, D. Jeffries and Graves:

H. B. 4617 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, relating to requiring the State Auditor to conduct financial audits of state agencies and departments”; to the Committee on Government Organization.

By Delegates Steele, Dean, Howell, Householder, Summers, Pack, Phillips, Kessinger, J. Jeffries, Foster and Graves:

H. B. 4618 - “A Bill to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating to removing from the code, language prohibiting the public display and offering for rent or sale to a passersby on a street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic

weapon, any rifle, shotgun, or ammunition for same”; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker), Capito, Atkinson, Westfall, Queen, Nelson, Summers, J. Kelly, Barrett, Boggs and Miley:

H. B. 4619 - “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-1o, all to authorize the Public Service Commission to approve plans proposed by electric utilities to install middle-mile broadband fiber and provide expedited cost recovery”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rohrbach:

H. B. 4620 - “A Bill to amend and reenact §16-59-1 of the Code of West Virginia, 1931, as amended; relating to certification of recovery residences; and redefining definition of ‘recovery residence’”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

Special Calendar

Third Reading

Com. Sub. for H. B. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions; 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 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hanna and Zukoff.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4026) 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. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; 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 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4353) 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. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; on third reading, coming up in regular order, was reported by the Clerk.

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

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections; 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 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4496) 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. 4501, Relating to the ability to refuse offenders for commitment to a jail; 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 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Canestraro, Caputo, Fleischauer, Fluharty, Hicks, Hornbuckle, Lovejoy, McGeehan, Miley, Pushkin, Robinson, Rowe, Steele and Wilson.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4501) 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. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility; 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: S. Brown, Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4510) 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. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia; 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 three-a, line seven, after the words “and marking accurately”, by inserting a comma and the words “but not including any vehicles or trailers currently in service”.

The bill was then ordered to engrossment and third reading.

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4359, Increasing the filing fees for insurers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Atkinson, the bill was amended, on page one, section seven, line six, by striking out all of subsection (b) and inserting in lieu thereof the following:

“(b) The director shall propose a rule for legislative approval in accordance with §29A-3-1 *et seq.*, of this code, setting the fees for the lifetime licenses. The rule shall provide that the fee for any resident who has not reached his or her second birthday shall be one half of the adult fee set under the rule. The rule shall also provide that the fee for any resident who has not reached his or her 12th birthday and has been legally adopted, shall be provided with a period of two years from the date of entry of the order or decree of adoption to obtain his or her lifetime license at one half of the adult fee set under the rule. The fees for lifetime licenses shall be 23 times the fee for the equivalent annual licenses or stamps.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile 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. 3049, Improving dissemination of boiled water advisories to affected communities,

Com. Sub. for H. B. 4059, Increasing access to long acting reversible contraception,

Com. Sub. for H. B. 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs,

H. B. 4356, Relating to the administration of anesthetics,

Com. Sub. for H. B. 4434, West Virginia health care workforce sustainability study,

Com. Sub. for H. B. 4484, Relating to the Hazardous Waste Management Fund,

H. B. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds,

And,

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate Capito for H. B. 2164
- Delegate Porterfield for H. B. 4395 and H. B. 4445
- Delegates Cadle and J. Jeffries for H. B. 4478
- Delegates N. Brown, S. Brown, Fast and Steele for H. B. 4559
- Delegate Bates for H. B. 4003
- Delegates Bartlett and Sypolt for H. B. 4478
- Delegate Pyles for H. B. 4589
- Delegate Butler for H. B. 4635
- Delegate Porterfield for H. B. 2314, H. B. 2605, H. B. 4531, H. B. 2724, H. B. 4404 and H. B. 4478

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

- Delegates Angelucci, Longstreth, C. Thompson, Williams and Zukoff for H. B. 4575

At 12:10 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 31, 2020.

Friday, January 31, 2020

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 30, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4059 and Com. Sub. for H. B. 4198, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 4546, Relating to tuberculosis testing for school superintendents,

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. 4546) was referred to the Committee on Health and Human Resources.

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

Your Committee on Education has had under consideration:

H. B. 4378, Relating to disciplining teachers,

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

Com. Sub. for H. B. 4378 - "A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to grounds for revocation or suspension of teaching certificates; authorizing suspensions; authorizing additional sanction options by the state superintendent with respect to violations; authorizing superintendent to issue subpoenas to aid investigation of allegations against persons subject to licensure; requiring professional relationship with students; providing minimum revocation period for offenses and specifying offenses; and defining grooming a student or minor,"

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. 4540, Authorizing the appointment, qualifications, certification, authority, compensation, and training of hospital police officers,

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. 4540) 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. 4410, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected,

H. B. 4559, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor,

Com. Sub. for S. B. 311, Relating to court-ordered community service,

And,

Com. Sub. for S. B. 357, Authorizing Department of Revenue promulgate legislative rules,

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

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

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

H. B. 4395, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database,

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

Com. Sub. for H. B. 4395 - "A Bill amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a veterinarian monitor the controlled substance monitoring database,"

H. B. 4414, Relating to the selection of language and development milestones for the deaf and hard-of-hearing children,

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

Com. Sub. for H. B. 4414 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to early language development; defining terms; developing early language resources; setting forth types of communication; selecting assessment tools; creating an advisory committee; providing authority to the advisory committee; and requiring an annual report,”

And,

H. B. 4415, Relating to missing and endangered children,

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

Com. Sub. for H. B. 4415 - “A Bill to amend and reenact §15-3D-3 and the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-3D-9; to amend and reenact §49-6-103, §49-6-105, §49-6-106, §49-6-109, §49-6-110, §49-6-112, §49-6-113, and 49-6-114; and to amend said code by adding thereto a new section, designated §49-6-116; all relating to children; defining terms; creating a missing child advisory; updating terminology; requiring law-enforcement to investigate; requiring law-enforcement to issue an advisory; permitting the sharing of confidential information with the department in certain circumstances; establishing a foster child locator unit within the department; establishing duties of the unit; and requiring a report,”

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 4354, Adding nabiximols to the permitted list of distributed and prescribed drugs,

And,

H. B. 4422, The Patient Brokering Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4354 and H. B. 4422) were each referred to the Committee on the Judiciary.

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

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

H. B. 4161, Making it illegal to scleral tattoo a person,

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. 4620, Redefining definition of “recovery residence”,

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. 4620) was referred to the Committee on Health and Human Resources.

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. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate,

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

Com. Sub. for H. B. 2967 - "A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to phasing in elimination of state excise tax on privilege of transferring property and replacing it with county excise tax on certain date,"

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. 4090, 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. 4090 - "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 and funding 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 responsible operators; lowering the severance tax collected on production from certain defined marginal oil and natural gas wells; requiring the collected lower severance taxes to be deposited in the fund; providing for a cap on the balance of the fund which can trigger a further reduction in the severance taxes on these certain defined marginal wells; providing an effective date for the lower tax rate; maintaining prior exemptions from the severance tax; providing for administration of the fund; providing

specific purposes and limitations for use of the fund; providing reporting requirements for two funds, the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund; deleting a subsection of the code which expired by its own terms; and providing a short title,”

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:

Com. Sub. for H. B. 4438, Relating to the licensing of advance deposit wagering,

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

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

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

H. B. 4375, Speech-Language Pathologists and Audiologists Compact,

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. 4375) 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. 175 - “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; providing exceptions; authorizing county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; authorizing 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”; 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. 261 - “A Bill to amend and reenact §61-3C-3 and §61-3C-4 of the Code of West Virginia, 1931, as amended, all relating to contaminating a computer with ransomware; creating criminal offense of introducing ransomware into any computer, computer system, or computer network with the intent to extort money or other consideration; setting forth the elements of the offense; defining terms; 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 323, Authorizing Department of Administration promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 339 - “A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care support program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—grower/processors; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—program dispensaries; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and

Human Resources; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals”; 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 Education then Rules:

S. C. R. 10 - “Requesting the Joint Committee on Government and Finance study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools.”

Whereas, West Virginia anti-bullying measures and regulations have been previously established to deter harassment, intimidation, and bullying; and

Whereas, School districts in West Virginia are required to adopt a policy prohibiting harassment, intimidation, and bullying; and

Whereas, Harassment, intimidation, and bullying can facilitate a hostile learning environment and negatively impact a child’s educational outcomes; and

Whereas, The National Education Association has estimated that more than 160,000 k-12 students nationally miss school every day because of the threat or fear of bullying; and

Whereas, The National Center for Education Statistics, a division of the United States Department of Education, reported in 2019 that 20.2 percent of students between the ages of 12 and 18 experienced bullying in school; and

Whereas, The Centers for Disease Control and Prevention reported in 2019 that the negative consequences of bullying can increase the risk of low academic achievement, rates of school

drop-out, social and emotional distress, self-harm, and even death; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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.

Resolutions Introduced

Delegates Angelucci, C. Thompson, Lavender-Bowe, S. Brown, Longstreth, Staggers, Caputo, Pyles, Walker, Hanna, Zukoff and Diserio 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. 50 - "Requesting the Division of Corrections and Rehabilitation to conduct annual studies on the reporting of sexual assaults in the state's correctional facilities."

Whereas, In 2012, the U.S. Justice Department issued its first set of national standards requiring that detention facilities not only give inmates multiple ways to report sexual abuse but also investigate every allegation; and

Whereas, In 2011, before the national standards were issued, there were 8,768 allegations of sexual assault and harassment nationwide. By the end of 2015, that total had jumped to 24,661, a

leap of more than 180 percent, according to the federal Bureau of Justice Statistics, which compiles the numbers it collects from corrections departments; and

Whereas, It is prudent for our own Division of Corrections and Rehabilitation to conduct a study on the reporting of sexual assaults in the state's correctional facilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Corrections and Rehabilitation conduct annual studies on the reporting of sexual assaults in the state's correctional facilities; and, be it

Further Resolved, That the Division of Corrections and Rehabilitation submit its first annual study on the reporting of sexual assaults in the state's correctional facilities to the regular session of the Legislature, 2021, and annually thereafter, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

Delegates Rowan and Cowles 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 to name a stretch of road beginning on County Road 15, Cold Stream Road, at Edwards Run (39.32213, -78.42876) to Frog Hollow Road (39.33781, -78.4329) in Hampshire County, 'Gunsmiths Trace'."

Whereas, There is little evidence today that communities with churches, mills, local artisans and families were scattered throughout Hampshire County; nor is it thought that this county was a center of industrial activity in the early days of its history. Yet, Hampshire County was the home of as many as 40 gunsmiths with several of them residents in the area along Edwards Run to Cold Stream Run. This location had access to Edwards Run and Cold Stream, sources of power and water and bordered the Cacapon River. Until the late 1830s, this area was along the main road that ran from Winchester to Romney and Cumberland,

Maryland and points West, the direction Americans were moving; and

Whereas, The gunsmiths who lived in this area in the 1830s include Zebulon Sheet, who served in the War of 1812, was appointed a justice of the peace in the county in 1828, and was a skilled gunsmith whose guns are highly prized today; James Rinehart was the most productive gunsmith in this area from approximately 1835 until he moved to Ohio in 1850; B.F. Shane was a blacksmith and gunsmith on Edwards Run in 1856; Christopher Slonaker, III, was born and raised in the Cold Stream area and purchased a gun shop from B.F. Shane, where he plied his trade; and, Henry Topper, who lived along the Cacapon River was noted in the 1820 Industrial Census of Virginia, to be engaged as a gunsmith with one helper and a production of 12 rifles a year. He also repaired firearms, clocks and other mechanical devices; and

Whereas, The Edwards Run-Cold Stream area no longer shows any evidence of the busy community that was the home to churches, mills, local artisans and families and the center of industrial activity that included the gunsmiths whose artistry was so important to residents and pioneers and settlers who were moving ever westward; and

Whereas, Naming that stretch of road “Gunsmiths Trace” is an appropriate recognition and reminder of what this community was like and of the small but important industry that has left so many prized artifacts in the hands of serious gun collectors across America of their contributions and accomplishments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a stretch of road beginning on County Road 15, Cold Stream Road, at Edwards Run (39.32213, -78.42876) to Frog Hollow Road (39.33781, -78.4329) in Hampshire County, “Gunsmiths Trace”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the stretch of road as the “Gunsmiths Trace”; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Secretary of the Department of Transportation.

And,

Delegates Barnhart, J. Kelly, Maynard and Linville 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 43-50-10.01 EB & WB (43A198, 43A199), (39.25868, -81.10639) locally known as Bonds Creek Bridges, carrying US 50 over Bonds Creek in Ritchie county, the ‘U.S. Army PFC Paul Eugene Gregg Memorial Bridge’.”

Whereas, U.S. Army PFC Paul Eugene Gregg was born on January 11, 1940, to T. Nile Gregg and Gail Gump in Berea, West Virginia, and passed away on January 8, 2019, at the Veterans Administration Medical Center in Pittsburgh, Pennsylvania; and

Whereas, PFC Gregg served in the United States Army from February 21, 1958, to February 24, 1961, and received the Sharpshooter Marksman Badge; and

Whereas, PFC Gregg retired a hard-working iron worker, having been a member of Iron Workers Union, Local 787, Parkersburg; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Paul Eugene Gregg and his contributions to our nation, 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 43-50-10.01 EB & WB (43A198, 43A199), (39.25868, -81.10639) locally known as Bonds Creek Bridges, carrying US 50 over Bonds Creek in Ritchie County, the “U.S. Army PFC Paul Eugene Gregg 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 Paul Eugene Gregg 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 Delegate Capito:

H. B. 4621 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8G-1, §31A-8G-2, §31A-8G-3, §31A-8G-4, §31A-8G-5, §31A-8G-6, §31A-8G-7, and §31A-8G-8, all relating to the West Virginia FinTech Regulatory Sandbox Program; defining terms; establishing requirements for participants to temporarily test innovative financial products or services on a limited basis without otherwise being licensed or authorized to act under the laws of the state; establishing scope of the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; providing consumer protections; establishing time limitations on the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; providing reporting requirements; defining terms; and providing for rule-making”; to the Committee on the Judiciary.

By Delegates Wilson, Waxman, Foster, D. Jeffries, Graves, Pack, Butler, Kessinger, C. Martin, P. Martin and J. Jeffries:

H. B. 4622 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-1-10, relating to prohibiting the establishment of a constitution or legal system superior or parallel to the West Virginia Constitution and the West Virginia Code; and providing a criminal penalty”; to the Committee on the Judiciary.

By Delegates Higginbotham, Ellington, Steele, Graves, Storch, Hanna, Howell, C. Martin, Hott, Barnhart and Dean:

H. B. 4623 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust and other genocides”; to the Committee on Education then Finance.

By Delegates S. Brown, Caputo, Diserio, C. Thompson, Dean, Toney, Paynter, Hicks and Sponaugle:

H. B. 4624 - “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 then Finance.

By Delegates S. Brown, Sponaugle, Hornbuckle, Pushkin, McGeehan, Hill, Angelucci, Dean, Hansen, Skaff and Walker:

H. B. 4625 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2 and §19-38-3; 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 then Finance.

By Delegates Barnhart, J. Kelly, Foster, Pack, Steele, Cadle, Hamrick, Maynard and Linville:

H. B. 4626 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, §5B-9-8 and §5B-9-9, all relating to enacting the West Virginia Development Achievements Transparency Act; providing a short title; providing legislative purpose and findings; providing for definitions; outlining reporting requirements for entities providing a development subsidy; directing the Auditor to create a searchable website to view development subsidy data; detailing the items required to be provided on the Auditor’s searchable website; protecting confidentiality of certain subsidy data; providing penalties related to the accuracy and timeliness of information reported; and permitting the Auditor to hold public hearings or trainings to ensure compliance with the article”; to the Committee on Government Organization then the Judiciary.

By Delegate Summers:

H. B. 4627 - “A Bill to amend and reenact §5-10-221 and §18-7A-26w of the Code of West Virginia, 1931, as amended, all relating to increasing the monthly retirement annuity by \$2 for certain retirants with 20 or more years of credited service”; to the Committee on Pensions and Retirement then Finance.

By Delegates Higginbotham, Ellington, Graves, Storch, Hanna, Dean, C. Martin, Hott, Barnhart, Kessinger and Hardy:

H. B. 4628 - “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 donations to the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia for the purpose of granting wishes to children who reside in West Virginia and who have life-threatening medical conditions; to provide for disposition of such donated monies; to establish the Make-A-Wish

Foundation of Greater Pennsylvania and West Virginia Fund as a special escrow fund in the State Treasury; to provide for the administration and use of moneys in the fund; to authorize the Tax Commissioner to make certain deposits into the fund; and to provide for reporting to the Joint Committee on Government and Finance”; to the Committee on Finance.

By Delegates S. Brown, Graves, Staggers, Rowan, Lavender-Bowe, Storch, Williams, Kessinger, Byrd, Fleischauer and Bates:

H. B. 4629 - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §11-15-9t, relating to the exemption of certain hygiene products from sales tax”; to the Committee on Health and Human Resources then Finance.

By Delegates Hamrick, Storch, Hanna, Higginbotham, Hill, Bibby, Dean, Ellington, J. Jeffries, Barnhart and Worrell:

H. B. 4630 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a tax credit for families who have foster children in their care”; to the Committee on Health and Human Resources then Finance.

By Delegates Angelucci, Lavender-Bowe, Pyles, Walker, Diserio, Staggers, Zukoff, Caputo, Swartzmiller, Longstreth and C. Thompson:

H. B. 4631 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1B-11, relating to political campaign contributions or donations received by an elected official who switches political parties while serving in the office to which elected; requiring return of funds if requested by a contributor”; to the Committee on the Judiciary.

By Delegates Rodighiero, R. Thompson, Worrell, Phillips, Storch, Rohrbach, Maynard, Tomblin, Hicks, Fleischauer and Miller:

H. B. 4632 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated

§33-15-4u; to amend said code by adding thereto a new section, designated §33-15E-18; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to imposing a cap under an insurance policy or a discount prescription drug plan, on the total amount that a covered person is required to pay for a covered prescription epinephrine drug; and providing that the cap may not exceed \$100 per 30-day supply of the drug, regardless of the amount of epinephrine needed to fill the covered person's prescription"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Storch, Anderson, Nelson, Kessinger, Waxman, Summers, Criss, Sypolt, Hill, Espinosa and Capito:

H. B. 4633 - "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; and 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 Political Subdivisions then Government Organization.

By Delegates Evans, Bates, Toney, Dean and Paynter:

H. B. 4634 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates D. Jeffries, Bartlett, Fast, Rowan, Foster, Waxman, Barnhart, P. Martin, C. Martin and Butler:

H. B. 4635 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-2-31, to be called the Vulnerable Child Protection Act, relating to the prohibition of certain medical treatments and procedures upon a minor, including an emancipated minor, for the purpose of attempting to change or affirm the minor’s perception of the minor’s sex, if that perception is inconsistent with the minor’s genetic sex at birth and making such medical treatments and procedures a felony unless specific exceptions exist as defined”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rohrbach, D. Kelly, Linville and Lovejoy:

H. B. 4636 - “A Bill to amend and reenact §18B-10-7a of the Code of West Virginia, 1931, as amended, relating to tuition and fee waivers or adjustments for resident students and certain non-resident students; and by decreasing the eligibility age from 65 to 60 years of age or older”; to the Committee on Education then Finance.

By Delegates Rohrbach, D. Kelly, Pack, Hill, Kessinger, Linville, Waxman and Rowan:

H. B. 4637 - “A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; definitions, including redefining the definition of ‘Life-prolonging intervention’; forms of a living will or medical power of attorney or combined medical power of attorney and living will and specific provisions; and interpretation and application of provisions upon the effective date of enactment”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates S. Brown, Espinosa, Doyle, Barrett, Sponaugle, Bibby, Householder, Rowan and Kump:

H. B. 4638 - “A Bill to amend and reenact §61-12-8 of the Code of West Virginia, 1931, as amended, relating to modifying the authority of medical examiners regarding the disposition of bodies”; to the Committee on Political Subdivisions then Health and Human Resources then the Judiciary.

By Delegates Kump, Linville and Butler:

H. B. 4639 - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-16-4 and §17C-16-5 of said code, all relating to changing annual mandatory state inspections of antique motor vehicles and motorcycles, motor vehicles, trailers, semitrailers and pole trailers to mandatory inspections every three years; changing fee for inspection from three to nine dollars; and providing operative date of amendments”; to the Committee on Technology and Infrastructure then Finance.

By Delegates R. Thompson, Rohrbach, Evans, Hicks, Atkinson, Rodighiero and Tomblin:

H. B. 4640 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-3A-1, §5-3A-2 and §5-3A-3, all relating to creating the Foster Care Support Fund; directing that certain funds recovered in legal actions seeking damages from a drug manufacturer, drug distributor, pharmacy, pharmacist, physician or other person contributing to the proliferation of the unnecessary use of opioids in West Virginia be deposited into the Foster Care Support Fund; addressing preparation and enforceability of orders; requiring notice to court; and providing fund to be administered by the Secretary of the Department of Health and Human Resources”; to the Committee on Health and Human Resources then Finance.

By Delegates Householder, Barrett, Cowles, Kump, Wilson, Bibby, Hardy, Espinosa, Hanshaw (Mr. Speaker), Graves and Criss:

H. B. 4641 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to the West Virginia Department of Commerce; establishing authority for creation of tourism development districts; specifying legislative findings and purpose; specifying legislative intent; specifying additional powers and duties of the development office; specifying activity that qualifies for the designation; specifying criteria for evaluation and approval of districts; requiring development office approval as a tourism development project or a tourism development expansion project

pursuant to the Tourism Development Act as a condition precedent to obtaining designation; specifying procedures for evaluation and approval of districts; establishing minimum total project costs as a condition precedent to obtaining designation; specifying the maximum number of allowable districts; setting time period for termination of districts; excepting designated districts from specified local ordinances and regulations; requiring payment of enumerated local taxes; requiring compliance with statutes governing alcohol beverage control; establishing district right to municipal police protection; specifying obligation of compliance with state building code; providing for inspection oversight by West Virginia development office; requiring Department of Transportation support of districts, including acquisition and/or development of highways, roads, thorough-fares and sidewalks; providing for continuation of tourism districts in event of nonrenewal of Tourism Development Act; authorizing promulgation of rules; and severability provision”; to the Committee on Finance.

By Delegates Rohrbach and Hill:

H. B. 4642 - “A Bill to repeal §16-1A-1 and §16-1A-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1A-2, §16-1A-3, §16-1A-5, §16-1A-6, §16-1A-7, §16-1A-8, and §16-1A-9; all relating to uniform credentialing for health practitioners; removing legislative findings; eliminating the advisory committee; and providing sole authority to implement to the Insurance Commissioner”; to the Committee on Banking and Insurance then Health and Human Resources.

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

H. B. 4643 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating generally to creating in the State Treasury a special account known as Medicaid Families First Reserve Fund; specifying moneys that may be deposited in fund; providing for expenditures from fund; and authorizing investments”; to the Committee on Finance.

By Delegates Maynard, Campbell, Miller, Williams, Steele, D. Kelly, D. Jeffries and Foster:

H. B. 4644 - "A Bill to repeal §29-3-1, §29-3-2, §29-3-3, §29-3-4, §29-3-5, §29-3-5a, §29-3-5b, §29-3-5c, §29-3-5d, §29-3-5e, §29-3-5f, §29-3-6, §29-3-7, §29-3-8, §29-3-9, §29-3-10, §29-3-11, §29-3-12, §29-3-12a, §29-3-12b, §29-3-13, §29-3-14, §29-3-15, §29-3-16, §29-3-16a, §29-3-16b, §29-3-16c, §29-3-16d, §29-3-17, §29-3-18, §29-3-19, §29-3-21, §29-3-22, §29-3-27, §29-3-28, §29-3-29, §29-3-30, and §29-3-32 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, §15A-9-7, §15A-9-8, §15A-9-9, §15A-9-10, §15A-9-11, §15A-9-12, §15A-9-13, §15A-9-14, §15A-9-15, §15A-9-16, §15A-9-17, §15A-9-18, §15A-9-19, §15A-9-20, §15A-9-21, §15A-9-22, §15A-9-23, §15A-9-24, §15A-9-25; and to amend said code by adding thereto a new article, designated §15A-10-1, §15A-10-2, §15A-10-3, §15A-10-4, §15A-10-5, §15A-10-6, §15A-10-7, §15A-10-8, §15A-10-9, §15A-10-10, and §15A-10-11, all relating to separating the Fire Marshal from the Fire Commission; transferring the Fire Marshal from the State Fire Commission to the Department of Military Affairs and Public Safety; setting forth the appointment process for the Fire Marshal, setting forth qualifications, salary, and responsibilities of the State Fire Marshal; allowing the Fire Marshal to hire employees; allowing the Fire Marshal to hire a Deputy, and setting the qualifications of the Deputy; requiring new Fire Marshal 1, 2, 3, and Deputies to become certified law-enforcement officers; setting forth powers and duties of the State Fire Marshal; setting forth additional powers and duties relating to law enforcement, statewide contracts, penalties, and authority to carry firearms; creating enforcement standards for the state building and fire codes; creating rule-making authority; allowing the appointment of advisory boards; setting forth the responsibilities of insurance companies in fire loss investigations; allowing the Fire Marshal to set fees; requiring an annual report; setting forth maintenance of fire hazard standards; allowing orders for repair or demolition; allowing orders to contain notice to comply and a right to appeal; providing standards for service of repair or demolition orders; clarifying who is responsible for cost of work or demolition; allowing an action to recover cost; requiring smoke detectors in

one and two family dwellings; requiring carbon monoxide detectors in residential units, schools, and day care facilities and setting forth penalties; allowing the use of live trees in public buildings under certain circumstances; setting forth safety standards for bed and breakfast establishments; setting forth standards for installation of propane gas systems; setting forth parameters to abate fire hazards; setting forth license denial, limitation, suspension and revocation standards; creating an independent informal dispute process for licensees upon appeal; establishing demonstration building and equipment standards for educational instruction for fire protection and prevention and abatement; creating crime of false alarm of fires and setting forth penalties; creating tax on insurance companies; setting forth general criminal penalties for violation; setting forth that the parts of the article are construed liberally; creating a severability section; allowing the Fire Marshal to award service weapons to retiring employees under certain conditions; allowing the Fire Marshal to dispose of unused firearms; continuing the Fire Commission, setting forth composition, qualifications, appointment, terms of office, removal, vacancies, and compensation and expenses; establishing chairperson, vice chairperson, meeting and quorum requirements; creating rule making authority for fire code, building code, and general rule making authority; continuing the hazardous response training program; requiring public hearing and notice prior to promulgation of fire code; setting forth commission's powers and conduct of public hearing; setting forth commission's powers duties and authority; setting forth authority over volunteer fire department training, and equipment, and creating rule-making authority for such; continuing courtesy certification of firefighters in surrounding states to serve as volunteer firefighters; continuing the Fire Service Equipment and Training Fund"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

Special Calendar

Third Reading

Com. Sub. for H. B. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia; 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. 68**), 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, Ellington, Mandt and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2338) 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. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; 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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: N. Brown, Ellington, Mandt and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4179) 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. 4359, Increasing the filing fees for insurers; 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. 70**), and there were—yeas 85, nays 11, absent

and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Graves, Hill, J. Jeffries, Kessinger, McGeehan, Paynter, Steele and Wilson.

Absent and Not Voting: N. Brown, Ellington, Mandt and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4359) 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. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted 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. 71**), 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, Ellington, Mandt and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4381) passed.

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

H. B. 4381 – “A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for adopted children; and providing for resident children who have been legally adopted and have not yet reached their 12th birthday to obtain their lifetime

hunting, fishing, and trapping license for one half of the adult fee for a period of two years from the date of entry of the order or decree of adoption.”

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. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile 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. 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, Ellington, Mandt and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4470) 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. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; 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. 73**), 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, Ellington, Mandt and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4476) passed.

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

H. B. 4476 - “A Bill to amend and reenact §15-9B-1, §15-9B-2, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community to the Division of Administrative Services; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; providing for the development of a strategic plan on certain protocols; authorizing the Sexual Assault Forensic Examination Commission to recommend rules and report to the Legislature; establishing procedures; defining terms; establishing misdemeanor penalties; and granting rule-making authority.”

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. 3049, Improving dissemination of boiled water advisories to affected communities; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hill, the bill was amended on page three, line fifty-one, after “(h)”, by inserting the word “By”.

The bill was then ordered to engrossment and third reading.

H. B. 4356, Relating to the administration of anesthetics; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4434, West Virginia health care workforce sustainability study; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4484, Relating to the Hazardous Waste Management Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds; 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. 2164, Clarifying that appeals to the Supreme Court are a matter of right,

Com. Sub. for H. B. 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant,

Com. Sub. for H. B. 4001, Creating West Virginia Impact Fund,

Com. Sub. for H. B. 4102, Relating to opioid antagonists,

Com. Sub. for H. B. 4137, Allowing counties to store and maintain voter registration records in a digital format,

And,

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates N. Brown, Ellington, Mandt and Porterfield.

Miscellaneous Business

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

- Delegate Sypolt regarding the Bishoff family

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

- Delegate Fast for H. B. 4639
- Delegate Toney for H. B. 4377
- Delegate C. Thompson for H. B. 2520
- Delegates Cowles, Espinosa and Shott for H. B. 4621
- Delegate Hardy for H. B. 4438 and H. B. 4478

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

- Delegate Hartman for H. B. 4575

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 3, 2020.

Monday, February 3, 2020

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, January 31, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2605, Relating to the regular election of officers on state general election day,

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. 2605) 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. 4352, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making,

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

Com. Sub. for H. B. 4352 - “A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code, all relating to licenses issued by the Fire Marshal; removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decision making; providing criteria for the State Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the State Fire Marshal as to whether a person’s criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure as a journeyman sprinkler fitter or sprinkler fitter in training.”

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. 4380, Updating the regulatory board review schedule,

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. 4509, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support,

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

Com. Sub. for H. B. 4509 - “A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; removing the residency requirements pertaining to counties; removing the work substitution or qualification to serve on the board; specifying the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs on the board; creating a temporary or substitute board member list; and clarifying how moneys for the board should be appropriated,”

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 to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 449 - “A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Commerce to promulgate a legislative rule relating to small business innovation research and small business technology transfer matching funds

program; authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work; authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—licensing; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—logger certification; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules governing the certification, recertification, and training of EMT-miners and the certification of EMT-M instructors; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife pelts and parts; authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating rules; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special requirements concerning boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for the West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing rule; authorizing the Division of Natural Resources to promulgate a

legislative rule relating to catching and selling bait fish; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry”; 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. 550 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j; 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; and amending protocol for dogs hunting or chasing deer”; which was referred to the Committee on Agriculture and Natural Resources.

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. 642 - “A Bill to amend and reenact §46A-1-105 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in the West Virginia Consumer Credit and Protection Act”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Nelson, Byrd, Capito, Skaff, Robinson, Campbell and Lavender-Bowe 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 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 Memorial Bridge’.”

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 subsequently earned the rank of Technical Sergeant; and

Whereas, T SGT Ray earned his airplane mechanic diploma at the Ford Factory in Michigan the spring of 1943 and 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, While serving as flight engineer, T SGT Ray and his crew flew 30 successful missions before returning to the United States; and

Whereas, T SGT Ray spent the last 10 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 married his wife Mary Madeline Hudson (now deceased) on April 16, 1948, established a beautiful and loving family with four daughters: Valerie Ann Lyons, Angela Sue Ray, Verna Ray-Breaux, and Anita Ray-Kirk; and

Whereas, T SGT Ray retired in 1984 and passed on August 8, 2019; 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 T SGT Ralph H. Ray Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge”; and, be it

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

Delegates Hott, Rowan, Fast, Howell, C. Martin, Dean, P. Martin, Toney, J. Jeffries, D. Kelly and Cadle 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 bridge number 12-042/06-003.19 (12A128), locally known as Possum Hollow Bridge, carrying County Route 42/6 over North Fork Lunice Creek in Grant County, West Virginia, the ‘PFC Marvin K. “Sonny” Sherman Memorial Bridge’.”

Whereas, Private First Class Marvin Kenneth “Sonny” Sherman was born on August 22, 1923, in Grant County, the son of Holmes Sherman and Vera Sherman of Arthur, West Virginia; and

Whereas, PFC Sherman was drafted into the service of the United States Army and left Grant County on August 4, 1944, for infantry training at Camp Atterbury, Indiana and Fort McClellan, Alabama. PFC Sherman last visited his parents in December 1944,

after which he left for Camp Meade and was shipped to England after the first of the year; and

Whereas, PFC Sherman's last letter received at home was written on April 11, 1945, and on April 25, 1945, he sent a money order to the American Red Cross for flowers for his mother for Mother's Day, writing her a letter on April 26, 1945, that would never be mailed; and

Whereas, On April 26, 1945, at about 3:00 p.m., PFC Sherman was sent forward with a patrol to cross the Elbe River in Germany in a small boat. During the crossing, the boat in which he was riding capsized and PFC Sherman drowned before help could reach him; and

Whereas, PFC Sherman's funeral service was held in the United Brethren Church, Lahmansville, West Virginia, Rev. F.A. Frazier officiating, with burial in the Lahmansville Cemetery, full military rites accorded by Grant Post No. 78, American Legion; and

Whereas, PFC Sherman was survived by his parents, Holmes Sherman and Vera Sherman, of Arthur, West Virginia, and two brothers, Boyd Sherman, who served as a Merchant Marine, and Clifton Sherman, who served in the Navy; and

Whereas, The sacrifice of this courageous son of Grant County, West Virginia, requires that we honor Private First Class Marvin Kenneth "Sonny" Sherman by ensuring that future generations are aware of his sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 12-042/06-003.19 (12A128), locally known as Possum Hollow Bridge, carrying County Route 42/6 over North Fork Lunice Creek in Grant County, West Virginia, the "PFC Marvin K. 'Sonny' Sherman Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters

identifying the bridge as the “PFC Marvin K. ‘Sonny’ Sherman Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a certified copy of this resolution to the Secretary of Transportation, Commissioner of the Division of Highways, and the family of PFC Marvin Kenneth Sherman.

Delegates Hott, Rowan, D. Kelly, C. Thompson, Sponaule, Toney, Fast, Howell, Cadle, 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. 55 - “Requesting the Division of Highways name bridge number 36-009/00-00.13 (36A146), locally known as Riverton Truss, carrying County Route 9 over the North Fork of the South Branch of the Potomac River in Pendleton County, the ‘Pendleton County Veterans Killed in Action Memorial Bridge’.”

Whereas, Pendleton County would like to honor its veterans killed in action during various combat times throughout the United States’ history; and

Whereas, Veterans of this state bravely serve their country and state to protect the citizens; and

Whereas, It is fitting that an enduring memorial be established to commemorate all Pendleton County Veterans and 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 name bridge number 36-009/00-00.13 (36A146), locally known as Riverton Truss, carrying County Route 9 over the North Fork of the South Branch of the Potomac River in Pendleton County, the “Pendleton County Veterans Killed in Action Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters

identifying the bridge as the “Pendleton County Veterans Killed in Action 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.

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. 56 - “Requesting the Division of Highways name bridge number: 44-11-9.29 (44A181), (38.84367, -81.22103) locally known as Rocksdale Bridge, carrying CR 11 over West Fork of the Little Kanawha River in Roane County, the ‘U.S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge’.”

Whereas, Eddie Dean Starcher was born August 11, 1944, as the son of Denvil and Bertie Louise Short Starcher, and was a resident of Henry’s Fork, and

Whereas, Eddie Dean Starcher enlisted in the Marine Corps where he entered via Reserve Military and served during the Vietnam War. He had the rank of Lance Corporal and was a rifleman. He served with 1st Marine Division, 2nd Battalion, H Company; and

Whereas, Lance Corporal Starcher, at age 22 years, was killed on November 15, 1966, by sniper fire during an attack on American soldiers at the Da Nang Province in Vietnam during the Vietnam War; and

Whereas, It is fitting that an enduring memorial be established to commemorate “U.S. Marine Corps Lance Corporal Eddie Dean Starcher “U.S. Marine Corps Lance Corporal Eddie Dean Starcher 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: 44-11-9.29 (44A181), (38.84367, -81.22103) locally known as Rocksdale Bridge, carrying CR 11 over West Fork of the Little Kanawha River in Roane County, the “U.S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U.S. Marine Corps Lance Corporal Eddie Dean Starcher Memorial Bridge”; and, be it

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

Delegates J. Jeffries, Angelucci, Atkinson, Barnhart, Bartlett, Bates, Bibby, Cowles, Criss, Dean, Ellington, Fast, Hanna, Higginbotham, Hill, Hott, Howell, Jennings, D. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Maynard, McGeehan, Miller, Pack, Phillips, Rohrbach, Rowan, Staggers, Storch, Sypolt, Toney, Walker, Waxman, Wilson and Worrell offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 57 - “Proclaiming and making the fiddle the official musical instrument of the State of West Virginia.”

Whereas, The fiddle arrived in Appalachia in the 18th century with immigrants from the British Isles, bringing with them the musical traditions of their countries. These traditions consisted primarily of English and Scottish ballads, which were essentially unaccompanied narratives, and dance music, such as Irish reels which were accompanied by a fiddle. The fiddle soon became a staple of life in West Virginia, being played in churches, in logging and mining camps, at weddings and summer picnics and in the homes and on porches of many West Virginians. It has remained so ever since, being showcased in music festivals around the state, from the Augusta Festival in Elkins, the Vandalia Gathering held on the grounds at the State Capitol and the Appalachian String

Band Festival at Camp Washington-Carver in Clifftop, just to name a few. West Virginia has also produced some of the finest fiddlers in the nation, and continues to do so; and

Whereas, Fiddler Blind Alfred Reed was born on June 15, 1880, and was one of the artists who recorded at the Bristol Sessions in 1927, along with Jimmie Rogers and the Carter Family, which are the first recordings of traditional country music. He was raised in a very conservative family and acquired a violin at a young age. Later, he began performing at county fairs, in country schoolhouses, for political rallies and in churches. He even played on street corners for tips. He used to sell printed copies of his compositions for ten cents each. After the Bristol Sessions, Mr. Reed recorded his most famous song, that is still being sung today, "How Can a Poor Man Stand Such Times and Live". After 1929, he stopped recording, but continued to perform locally until 1937 when a law was passed prohibiting blind street musicians. He is buried in Elgood and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Edwin "Edden" Hammons was born in 1874 and is considered by many to have been one of the finest traditional West Virginia fiddlers of all time, and tales of his musical exploits and eccentric lifestyle flourish among the inhabitants of mountainous east central West Virginia. Mr. Hammons was the youngest of four brothers and three sisters, and his musical abilities were soon recognized to be superior to that of his siblings. Family tradition holds that his ability was recognized and encouraged at an early age and that the boy was spared his share of the burdens of frontier living as a result. Mr. Hammons's first attempt in music was with a fiddle made from a gourd. He soon progressed and he secured a store-bought fiddle and there was no dispute that he could draw out exquisite harmonies from the instrument. Whether because of immaturity or musical passion, Mr. Hammons refused to lay his fiddle down "like most men did" as he grew older and was faced with supporting a family. Mr. Hammons three-week marriage to Caroline Riddle in 1892 came to a head when Caroline demanded that Edden either quit playing fiddle and go to work or she would leave. Given the ultimatum, Mr. Hammons chose the fiddle. When

he was older, Mr. Hammons participated in five to ten fiddle contests each year, and rarely came away with less than first prize. Perhaps Mr. Hammons most distinguished contest adversary was Lewis “Jack” McElwain, regarded by many others at the time to be the premier fiddler in the State of West Virginia. Mr. McElwain’s accomplishments included a first-place finish at the 1893 World’s Fair in Chicago. At a contest in Marlinton in 1909, Mr. McElwain and Mr. Hammons tied for top honors. Later, there were disagreements about the selection of judges, and Mr. Hammons insisted that the judging be left to the attendees. Mr. Hammons usually won; and

Whereas, Fiddler Melvin Wine was born in Burnsville in 1909. At the age of nine he began to play his first fiddle tunes by sneaking out his father’s prized possession, the fiddle. Mr. Wine eventually gained the courage to inform his mother of the progress he had made with his father’s fiddle. One evening his mother bravely shared this with his father. At the time, Mr. Wine believed he might receive a whipping for sneaking out the fiddle. But instead, from this point on, his father supported the young boys efforts. Mr. Wines father learned the fiddle tunes that he passed on to Melvin from his father, Nels, Mr. Wines’ grandfather. Mr. Wine passed away in 2003; and

Whereas, Mr. Clark Kessinger was born in Lincoln County on July 27, 1896. Mr. Kessinger began playing the banjo when he was five years old and two years later he performed at local saloons with his father. He switched to fiddle and began performing at country dances. After serving in the Navy, Mr. Kessinger’s reputation as a fiddler increased and he visited many local fiddling contests. He teamed up with his nephew Luches “Luke” Kessinger performing at various locations. In 1927 Mr. Kessinger and Luches Kessinger had their own radio show at the newly opened station WOBU in Charleston. On February 11, 1928, the Kessingers recorded twelve sides for the Brunswick-Balke-Collender recording company. In the late 1920s, the Kessingers records were best sellers, including “Wednesday Night Waltz”, “Turkey in the Straw”, “Hell Among Yearlings”, “Tugboat” and “Salt River”. Mr. Kessinger was also greatly influenced by classical violin players

such as Fritz Kreisler, Joseph Szigeti and Jascha Heifetz. Following his last recording session on September 20, 1930, Mr. Kessinger retired as a recording artist. But in 1963 he was rediscovered and soon was competing at several fiddling contests. In August 1964, Mr. Kessinger formed a string band in Galax, Virginia, winning first prize in the string band category. In April 1971, he won the World's Champion Fiddle Prize at the 47th Old-time Fiddler's Convention in Union Grove, North Carolina. Three more albums followed on Kanawha Records. His albums were later reissued on Folkways and Country Roads. In 1971 Mr. Kessinger recorded 12 tracks for the newly formed Rounder Records. The record company had plans to record many albums with Kessinger but before they could initiate what they had planned, Mr. Kessinger had a stroke and collapsed on the scene at a fiddler's convention in Virginia. His left hand became numb, and he was unable to play the fiddle for the remainder of his life. Rounder released his recordings as "Clark Kessinger: Old-time Music with Fiddle and Guitar". He died in 1975 and was inducted into the West Virginia Music Hall of Fame in 2007; and

Whereas, Ed Haley was born in 1885 and was one of the best-known fiddlers in his region of Appalachia. He traveled frequently and performed in a variety of venues and played over WLW in Cincinnati. He also made occasional studio recordings for friends, such as for Doc Holbrook in Greenup, Kentucky. He seldom recorded commercially because he was worried that record companies would take advantage of a blind man. Late in life, he made recordings for the family on a Wilcox-Gay disc-cutting machine brought home from the service by his stepson, Ralph. The recording featured Ed, Ella, Ralph (on guitar) and daughter Mona (vocals). Ralph eventually distributed the recordings among his five siblings. Eventually about one third to one half of those recordings were released to Rounder Records, but it is estimated that two thirds of Mr. Haley's recordings are still missing. Beginning in 1990, legendary bluegrass, folk musician and songwriter John Hartford began researching the story of Mr. Haley's life and music. Generally, Mr. Hartford spent the last years of his life promoting Mr. Haley and his significance in the world of music. He learned a number of Haley's tunes and recorded them

on the Grammy-nominated album, “Wild Hog in the Red Brush” and “Speed of the Old Long Bow: A Tribute to Ed Haley”. Mr. Hartford and Brandon Kirk, a Harts-area historian and genealogist, collaborated on a Haley book project from 1995 until Hartford’s death in 2001. In March 2000, the “Smithsonian” magazine featured a story about their research. In October 2015, Ed Haley was inducted into the West Virginia Music Hall of Fame; and

Whereas, Tim O’Brien was born on March 16, 1954, in Wheeling and plays guitar, fiddle, mandolin, banjo, bouzouki and mandocello. He has released more than ten studio albums in addition to charting a duet with Kathy Mattea entitled, “The Battle Hymn of Love”, a No. 9 hit on the Billboard Hot Country charts in 1990. He eventually moved to Boulder, Colorado, in the 1970s and became part of the music scene there. In Colorado, he met guitarist Charles Sawtelle, banjoist Pete Wernick and bassist/vocalist Nick Forster with whom he formed Hot Rize in 1978. Over the next twelve years, the quartet earned recognition as one of America’s most innovative and entertaining bluegrass bands. In 2005, O’Brien won a Grammy Award for Best Traditional Folk Album for “Fiddler’s Green”. In 1993 and 2006, O’Brien was honored with the International Bluegrass Music Association’s (IBMA)’s Male Vocalist of the Year award. His band Hot Rize was the IBMA’s first Entertainer of the Year in 1990. In November 2013 he was inducted into the West Virginia Music Hall of Fame; and

Whereas, Glenville resident Buddy Griffin was born at Richwood on September 22, 1948, and recalling his Nicholas County childhood has said “Everybody in the family played music. It was never expected, it was never forced on us. Nobody ever handed us an instrument and said, ‘You have to play this’. It was just trying to be part of what was going on, “cause there was always music at the house.” Mr. Griffin was a part of his family’s music from an early age. “The first instrument I ever touched was a bass fiddle. They kept it leaned up behind the couch. I’d stand up on the couch when I was about five, maybe six. I couldn’t note it, but I could play the strings. So if they’d play some old fiddle tune, I’d have all three chords to go with it. I’d stand there and just play the strings.” He soon learned to play the guitar, mandolin, fiddle and

banjo. His parents were good singers especially in the style of the Carter Family, and they taught their children the older country music. The Griffin children, however, tended toward the faster, more modern bluegrass. Erma played the guitar and bass and sang harmony. Richard played guitar and fiddle, along with other instruments, and sang the lead. Richard's father, Joe Griffin, born in 1883, played the old claw hammer style of banjo. Joe traveled to logging camps in Roane, Lincoln and Calhoun counties and played dances on Saturday nights with some of the local fiddlers, mostly Enoch Camp. Parts of Mr. Griffin's family tree can be traced to Revolutionary War times; some of his ancestors reportedly received land grants from General Washington. Mr. Griffin later became a staff musician at WWVA's Jamboree USA in Wheeling, played more than 200 times on the Grand Ole Opry, toured the country for more than 30 years with some of the biggest names in country and bluegrass music, appeared on more than 150 record albums, and established the world's first college degree program in bluegrass music at Glenville State College. In May 2011, he received the coveted Vandalia Award, recognizing his lifetime of devotion to entertainment and education; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of West Virginia hereby proclaims and makes the fiddle the official musical instrument of the State of West Virginia; and, be it

Further Resolved, That the Legislature of West Virginia recognizes the importance and significance of the fiddle in West Virginia's history, traditions, and culture; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to Buddy Griffin; Tim O'Brien; Clark Kessinger's daughter; Frances Goad; the descendants of West Virginia's other great fiddle players, Blind Alfred Reed, Edwin Hammons, Melvin Wine, and Ed Haley; the West Virginia Music Hall of Fame; the Friends of Old Time Music and Dance (FOOTMAD) and Stan Bumgardner, Editor of "Goldenseal", the official state magazine of West Virginia traditional life.

Delegates Hanshaw (Mr. Speaker), Householder, Anderson, Criss, J. Kelly, D. Kelly, Kessinger and Hill offered the following resolution, which was read by its title and referred to the Committee on Finance:

H. C. R. 58 - “Requesting the Joint Standing Committee on Finance study the state Tax Commissioner’s methodology for valuing and assessing active and reserve coal properties for the purpose of *ad valorem* taxes.”

Whereas, Article X, Section 1 of the West Virginia Constitution states that: “Taxation shall be equal and uniform throughout the state, and all property, both real and personal, shall be taxed in proportion to its value to be ascertained as directed by law”; and

Whereas, The right to equal protection of the laws is guaranteed by the United States and West Virginia Constitutions; and

Whereas, State law, §11-6K-1(a) of this code, requires that properties be assessed at their “true and actual value” and states that: “All industrial property and natural resources property shall be assessed annually as of the assessment date at 60 percent of its true and actual value”; and

Whereas, The Legislature expressed its intent for the state statutory taxation scheme by stating in §11-1C-1(a) of this code that: “The Legislature hereby finds and declares that all property in this state should be fairly and equitably valued wherever it is situated so that all citizens will be treated fairly and no individual species or class of property will be overvalued or undervalued in relation to all other similar property within each county and throughout the state”; and

Whereas, §11-1C-10 of this code directs that the Tax Commissioner shall develop a plan for the valuation of natural resources property, and to “maintain accurate values for all such property”; and

Whereas, The regulations for valuation of active and reserve coal properties for *ad valorem* tax purposes are contained in the Code of States Rules §110-11-1 *et seq.*, and expressly provide that the rule: “clarifies and implements state law as it relates to the appraisal at market value of active and reserve coal properties”; and

Whereas, In the absence of legislative direction as to what elements are to be considered by an agency in promulgating a rule, there is a presumption that the Legislature is entrusting the decision as to what to consider in the hands of the agency in deference to agency experts; and

Whereas, In a 2019 decision of the Supreme Court of Appeals in West Virginia, the court determined that the regulations governing the method of valuing active and reserve coal properties, a technical and complex process that utilizes the historical trailing or rolling three-year average of actual sales, are a rational and necessary means to establish true and actual value for purposes of *ad valorem* taxes; and

Whereas, In that same decision, the court recognized that other methods of calculating the taxable interest in coal resources exist and encouraged the ongoing evaluation of these methodologies by the Tax Commissioner, the Legislature and stakeholders; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Standing Committee on Finance is hereby requested to study the state Tax Commissioner’s methodology for valuing and assessing active and reserve coal properties for the purpose of calculating *ad valorem* taxes; and, be it

Further Resolved, That the Joint Standing Committee on Finance report to the regular session of the Legislature, 2021, 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 Standing Committee on Finance.

Bills Introduced

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

By Delegates Householder, Barrett, Criss and Bates:

H. B. 4645 - “A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the Chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies”; to the Committee on Government Organization.

By Delegates Byrd, Nelson, Skaff and Capito:

H. B. 4646 - “A Bill directing the West Virginia Higher Education Policy Commission to sell 258.17 acres of land, together with any improvements thereon, situated in the City of South Charleston, Union Carbide Corporation Tech Center Property, located on 3200 Kanawha Turnpike, City of South Charleston, Kanawha County, to the City of South Charleston”; to the Committee on Finance.

By Delegates Shott, Espinosa, Queen, Westfall, Hamrick, Howell, Householder, Barrett, Bates and Miller:

H. B. 4647 - “A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to limited

video lottery permit holders; and giving current permit holders a priority preference to reacquire permits they have, at the minimum stated bid price, before those permits are made available to other applicants”; to the Committee on the Judiciary.

By Delegates Foster and Summers:

H. B. 4648 - “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, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-401, §48-9-403, and §48-9-601 of said code; to amend said code by adding thereto a new section, designated §48-9-204a, all relating to ‘The Parenting Fairness Act of 2020’; defining ‘shared legal custody’, ‘shared physical custody’, ‘sole legal custody’, and ‘sole physical custody’; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children, in cases of divorce is presumed to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans and modifications to parenting plans consider the presumption of shared legal and physical custody is in the best interests of a child; require court to consider presumption when making determination as to which parent has significant decision making responsibility; and establish both parents’ rights to school and medical records of child”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Lavender-Bowe, Zukoff, Dean, Rowan, Higginbotham, Evans, C. Thompson, R. Thompson, Doyle, Ellington and Robinson:

H. B. 4649 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of trauma-informed practices; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the

school; and providing for rulemaking”; to the Committee on Education.

By Delegate J. Jeffries:

H. B. 4650 - “A Bill to amend and reenact §11-17-3 of the Code of West Virginia, 1931, as amended, relating to lowering the excise tax on cigarettes”; to the Committee on Finance.

By Delegate Butler:

H. B. 4651 - “A Bill to amend and reenact §17-2A-17 of the Code of West Virginia, 1931, as amended, relating to clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes to include depth as well as width; and updating antiquated language”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rohrbach:

H. B. 4652 - “A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-9A-6, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; prohibiting persons under the age of 21 from purchasing tobacco products, tobacco derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco derived products, or alternative nicotine products in a building used for school instruction; prohibiting sales of tobacco products, tobacco derived products, or alternative nicotine products by firm, corporation, or entity to person under age 21; providing criminal penalties for sales of tobacco products, tobacco derived products, or alternative nicotine products; providing employer authority to terminate employment of employee who violates section; making the sale of tobacco products, tobacco derived products, or alternative nicotine products permissible reason for dismissal of employee; establishing that an employee’s sale of tobacco products, tobacco derived products, or alternative nicotine products to persons under 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of Health and Human Resources as the entity responsible to enforce

tobacco laws and conduct compliance inspections; and prohibit sales of tobacco products, tobacco derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

By Delegate Pack:

H. B. 4653 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to the disclosure of nonpublic personal information required in employment cases; and providing a civil penalty”; to the Committee on the Judiciary.

By Delegates Skaff, Graves, Byrd, Capito, Rowe, D. Jeffries, Robinson, Nelson, Estep-Burton, Pushkin and Bartlett:

H. B. 4654 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56, relating to establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff; providing for lower retirement age and increased pension payments”; to the Committee on Pensions and Retirement then Finance.

By Delegates Howell, Hott, Summers, Maynard, C. Martin, Jennings, Staggers, Angelucci, Ellington, Hamrick and Fast:

H. B. 4655 - “A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to automatic certification as an emergency medical technician-paramedic or emergency medical technician-basic upon application; providing that an applicant may have previously served in any branch of the United States military, National Guard, or Coast Guard; providing that an applicant must have been honorably discharged within two years of application; providing for similar military job titles that bear a rational nexus to the training and education required by the commissioner to be certified as a paramedic or emergency medical technician; providing that the commissioner must issue a license upon review of the application; and providing that if an individual

permits a certification to expire the commissioner may require examination as a condition of recertification”; to the Committee on Government Organization.

By Delegates Howell, Hott, C. Martin, Ellington, Higginbotham, Fast, Graves, Storch and Shott:

H. B. 4656 - “A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring that, in order to graduate from high school or obtain a General Educational Development (GED) diploma, a pupil must correctly answer at least 60 of the 100 questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services; and requiring a school to document on the pupil’s transcript that the pupil has passed the test”; to the Committee on Education.

By Delegates Cadle, Cooper, Paynter, Hott, Butler, Phillips, Foster, Householder, Criss, Azinger and Jennings:

H. B. 4657 - “A Bill to amend and reenact §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to the elimination of the sunset and legislative review provisions”; to the Committee on Government Organization.

By Delegates Linville, Maynard, Worrell, Rohrbach, Lovejoy and Barnhart:

H. B. 4658 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6B-2-5d; and to amend and reenact §29B-1-2, §29B-1-3, and §29B-1-4; and to amend said code by adding thereto two new sections designated §29B-1-3b and §29B-1-6a; all relating to complaints against public agencies to obtain records through the Freedom of Information Act; providing that any person may file a complaint with the Ethics Commission under certain conditions; providing that the commission use a certain standard of evidence; providing for a complete defense for public agencies acting in good faith; providing for criteria for the commission to use when determining the validity of a complaint; providing for definitions of electronic records; providing that a public agency may respond to a request for documents with an anticipated time frame the requestor may expect to receive documents; providing that electronic records are

more cumbersome for public agencies to review for public information; providing that a public agency may establish a fee schedule for production of electronic records; providing criteria to establish a fee schedule; providing for criteria for a public agency to deny a request for documentation; providing for exemption of disclosure of personally identifiable information under certain circumstances; and providing for the Ethics Commission the authority to investigate complaints and render penalties”; to the Committee on the Judiciary.

By Delegates Linville, Maynard, Barnhart, J. Jeffries and Graves:

H. B. 4659 - “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; requiring Legislative Auditor to conduct a performance audit of the commission; authorizing the inspection of records and examination of personnel; permitting subsequent performance audits to be conducted at reasonable and prudent intervals; and removing redundant wording”; to the Committee on Education then Government Organization.

By Delegates Wilson, D. Jeffries, C. Martin, Phillips, P. Martin, Steele, Dean, Bibby, Hardy, Foster and J. Jeffries:

H. B. 4660 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-24, relating to requiring each state government agency to maintain updated records of all financial transactions in an updated, publicly accessible, searchable website”; to the Committee on Government Organization.

By Delegates Anderson, J. Kelly, Maynard, Storch, Azinger, Pethel, Hartman, Miller, Paynter, P. Martin and C. Martin:

H. B. 4661 - “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 natural gas utilities to seek proposals for drilling new natural gas wells and proposals for increasing production from

existing natural gas wells; permitting natural gas utilities to create a process for identifying the cost to procure dependable supplies of natural gas to serve certain gas utility customers when dependable, lower-priced supplies of natural gas are not readily available to serve those customers; allowing natural gas utilities to petition the commission for approval of the related costs to serve such customers; providing that the commission may approve the petition the commission finds that: (1) The process of determining the costs and expected additional natural gas supply is reasonable; (2) the expected additional supply is dependable; and (3) the costs of the additional supply are reasonable and not contrary to the public interest; providing that natural gas utilities shall recover those costs pursuant to its annual purchased gas costs adjustment filings with the commission; allowing natural gas utilities to defer reasonable and prudent actual expenses attributable to converting each customer, incurred after the test year for the utility's last rate case proceeding, which are not included in the utility's current base rates; providing that natural gas utilities shall recover reasonable and prudent deferred customer conversion expenses in future base rate cases through recovery of deferred expenses amortized over a reasonable period of time, as determined by the commission; providing that such recovery will be allowed only to the extent that the commission determines, based on evidence presented by the utility, that deferred amounts did not contribute to base rate earnings in excess of the utility's last authorized return on equity calculated since the effective date of base rates from the utility's last rate case proceeding; and adding lettering of subsections to an existing section of code"; to the Committee on Energy.

By Delegates C. Martin, Steele, Foster, P. Martin, Fast, Bibby, Hanna, Cowles, Shott and Hanshaw (Mr. Speaker):

H. B. 4662 - "A Bill to amend and reenact §8-12-4 of the Code of West Virginia, 1931, as amended, relating to providing a process by which a city may hold an election to recall an ordinance"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Howell, C. Martin, Pushkin, Hamrick and Hott:

H. B. 4663 - "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 then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 3049, Improving dissemination of boiled water advisories to affected communities; 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 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Capito, Espinosa, Hamrick, Hardy 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. 3049) 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. 4484, Relating to the Hazardous Waste Management 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. 75**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Foster.

Absent and Not Voting: Capito, Hamrick, Hardy 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. 4484) 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. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds; on third reading, coming up in regular order, was read a third time.

In the absence of objection, the bill was placed at the foot of all bills on the calendar.

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds; on third reading, coming up in regular order, was, reported by the Clerk.

In the absence of objection, the bill was placed at the foot of all bills on the calendar.

Second Reading

H. B. 2164, Clarifying that appeals to the Supreme Court are a matter of right; 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. 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant; 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. 4001, Creating West Virginia Impact Fund; 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 an amendment

pending and the general right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

Com. Sub. for H. B. 4102, Relating to opioid antagonists; 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. 4137, Allowing counties to store and maintain voter registration records in a digital format; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4356, Relating to the administration of anesthetics; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hill, the bill was amended on page one, line twenty, by striking out the word “surgeon” and inserting the word “physician”.

The bill was then ordered to engrossment and third reading.

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard; 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. 4434, West Virginia health care workforce sustainability study; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hill, the bill was amended on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“(a) As used in this section, the following words and terms have the following meanings:

(1) ‘Continuum of Care’ means the following health care providers or facilities, singularly or consecutively, that provide care for an individual:

(A) Assisted Living residence, as regulated and defined by §16-5D-1 et seq. of this code;

(B) Behavioral Health service, as defined by §16-2D-2(7) of this code;

(C) Hospice, as regulated and defined by §16-5I-1 et seq. of this code;

(D) Hospitals, as regulated and defined by §16-5B-1 et seq. of this code;

(E) Home Health agency, as regulated and defined by §16-2C-1 et seq. of this code; and

(F) Skilled Nursing Facility/Nursing Home, as regulated and defined by §16-5C-1 et seq. of this code.

(2) ‘Department’ means the Department of Commerce, including any and all agencies 11 within the Department of Commerce.

(3) ‘Direct-care status’ means healthcare providers that for the majority of time deliver care or services to individuals in such a manner that the provider could be personally identifiable by the recipient of services.

(4) ‘Entity’ means an individual, partnership, corporation, or other legal entity that employs or plans to employ skilled workers.

(5) ‘Government agency’ means any state, county, municipal, or local public agency, board, committee, or division, including educational, vocational, and technical schools.

(6) ‘Health care facility’ means a publicly or privately owned facility, agency, or entity that offers or provides health services, whether a for-profit or nonprofit entity and whether or not licensed, or required to be licensed, in whole or in part.

(7) ‘Health care provider’ means a person authorized by law to provide professional health services in this state to an individual.

(8) ‘Health services’ means clinically related preventive, diagnostic, treatment, or rehabilitative services.

(9) ‘Indirect-care status’ means healthcare providers that for the majority of time perform managerial or administrative functions and are not in direct contact with consumers of care.

(10) ‘New graduate employee’ means a healthcare provider within 18 months of graduation from a program qualifying the individual as a healthcare provider.

(11) ‘Private third-party’ means an individual, partnership, corporation, or other legal entity that employs or plans to employ skilled workers in the workforce or that teaches, trains, certifies, or provides licensure for individuals in the workforce.

(12) ‘Report’ means the report required to be completed and issued by the Secretary pursuant to this article.

(13) ‘Secretary’ means the Secretary of the Department of Commerce.

(14) ‘Separations’ means the number of full-time or part-time employees leaving an entity voluntarily or involuntarily excluding per-diem, contract, agency, or traveling healthcare professionals.

(15) ‘Workforce’ means an individual employed by an entity within the continuum of care.

(b) On or before February 1, 2021, the secretary shall research, survey, study, and issue a public report on the existing workforce in the continuum of care, as well as the anticipated future workforce needs over the next 15 years.

(c) In addition to being made publicly available, the completed report shall be provided to the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA), created pursuant to §16-29E-1 *et seq.* of this code.

(d) In order to create the report required in this section in the most cost-effective and efficient manner, the secretary may seek or obtain grants to facilitate the research, survey, and study; may enter into agreements with other governmental agencies, committees, research divisions, including educational institutions, for the collection and analysis of information; and may contract with private persons or companies: *Provided*, That any and all agreements, grants, or contracts for the assistance or sharing of information shall include confidentiality provisions consistent with the provisions of this section.

(e) The findings in the report shall summarize the data collected utilizing the categories and professions contained in this section. In presenting the findings, the report shall also breakdown its summaries on a statewide, regional, and county basis.

(f) The report, or any other disclosure of collected data, shall not identify specific entities, providers, or facilities, nor make specific correlation between an entity, provider, or facility and the workforce numbers at that entity, provider, or facility.

(g) To facilitate the timely collection and accuracy of data, the department is expressly authorized to seek, and specifically request, information from any entity, government agency, health care provider, health care facility, or private third-party: *Provided*, That the department shall only request information reasonably designed to elicit the information that is sought by this section, and in a manner intended to minimize obstruction to the requested entities providing necessary health services. Any entity, government agency, health care provider, health care facility, or private third-party in receipt of a survey or request for information from the department shall comply with the request and provide any and all requested information pertinent to the research, survey, and study.

(h) The department shall research, survey, and study the following aspects of the continuum of care workforce:

(1) The number of individuals employed;

(2) The number of full-time and part-time individuals so employed;

(3) The number of contract, agency, or traveling nurse or specialists utilized;

(4) The number of vacancies;

(5) The number of employee separations;

(6) The number of new graduate employee separations;

(7) The average number of patients/residents treated at each entity;

(8) The overall number of individuals licensed, certified, or registered by the state to work in the health care continuum;

(9) The current rate of licensure, certification, or registration by the state to work in the health care continuum;

(10) The anticipated growth in the number of individuals that will be licensed, certified, or registered in the state to work in the continuum of care over the next 15 years;

(11) The availability of classes or courses offered by secondary, vocational, technical, community, and higher education schools or institutions to train those necessitating licensure, certification, or registration to work in the health care continuum; and

(12) The average number of graduates per year in those classes or courses offered to train those necessitating licensure, certification, or registration to work in the health care continuum.

(i) In collecting and reporting the data, the department shall utilize, at a minimum, the following categories and professions within the continuum of care:

(1) Categories of entities:

(i) Assisted Living;

(ii) Behavioral Health;

(iii) Hospice;

(iv) Hospital;

(v) Home Health; and

(vi) Skilled Nursing Facility/Nursing Home.

(2) Job Professions delineated by direct-care or indirect-care status:

(i) Physician (M.D./D.O.) by specialty;

(ii) Physician Assistant;

(iii) Advanced Practice Registered Nurse by role and certification;

(iv) Registered Nurse;

(v) Licensed Professional Nurse;

(vi) Nurse Aide;

(vii) Medical Assistant;

(viii) Dietician;

(ix) Social Worker;

(x) Physical Therapist;

(xi) Physical Therapy Assistant;

(xii) Occupational Therapist;

(xiii) Occupational Therapy Assistant;

(xiv) Speech Therapist;

(xv) Respiratory Therapist;

(xvi) Psychologist;

(xvii) MDS/coding specialist;

(xviii) Pharmacist; and

(xix) Pharmacy Technician.

(j) Any material, data or other writing made or received by the department for the purpose of conducting the research, survey, study, or report, is deemed to be confidential trade secrets which are exempt from disclosure under the provisions of §29B-1-4 of this code.”

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 S. B. 311, Relating to court-ordered community service,

Com. Sub. for S. B. 357, Authorizing Department of Revenue promulgate legislative rules,

Com. Sub. for H. B. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate,

Com. Sub. for H. B. 4090, Creating the Oil and Gas Abandoned Well Plugging Fund,

H. B. 4161, Making it illegal to scleral tattoo a person,

H. B. 4375, Speech-Language Pathologists and Audiologists Compact,

Com. Sub. for H. B. 4378, Relating to disciplining teachers,

Com. Sub. for H. B. 4395, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database,

H. B. 4410, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected,

Com. Sub. for H. B. 4414, Relating to the selection of language and development milestones for the deaf and hard-of-hearing children,

Com. Sub. for H. B. 4415, Relating to missing and endangered children,

Com. Sub. for H. B. 4438, Relating to the licensing of advance deposit wagering,

And,

H. B. 4559, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor.

Third Reading

- continued -

H. B. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds; having been read a third time in earlier proceedings and having been placed at the foot of all bills, was reported by the Clerk.

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: Capito, Hamrick, Hardy and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4600) passed.

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

H. B. 4600 - “A Bill to amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to the use of beneficiaries of a death benefit from a municipal policemen’s or firemen’s pension and relief fund in the calculation of the distribution of premium tax proceeds.”

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

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen’s and firemen’s pension and relief funds; on third reading, having been placed at the foot of bills in earlier proceedings, was read a third time.

The question being on the passage of the bill, 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: Capito, Hamrick, Hardy and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4601) passed.

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

Leaves of Absence

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

Miscellaneous Business

Delegate Espinosa noted to the Clerk that he was absent when the vote was taken on Roll No. 74, and had he been present, he would have voted “Yea” thereon.

Delegate Hamrick noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 3049, Com. Sub. for H. B. 4484, H. B. 4600 and H. B. 4601, and had he been present, he would have voted “Yea” thereon.

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

- Delegate Hanna during Remarks by Members
- Delegate Doyle during Remarks by Members
- Delegate Mandt during Remarks by Members

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

- Delegate Pyles for H. B. 4598
- Delegate Robinson for H. B. 4646
- Delegates J. Jeffries, Mandt, McGeehan, Phillips, Williams and Wilson for H. B. 4648
- Delegate Linville for H. B. 4131
- Delegate Pyles for H. B. 4614
- Delegate Kump for H. B. 4650
- Delegate Mandt for H. B. 4445
- Delegate J. Jeffries for H. B. 4505
- Delegates M. Dean and Wilson for H. B. 4650

Pursuant to House Rule 94b, a form was filed with the Clerk’s Office to be removed as a cosponsor of the following:

- Delegate Zukoff for H. B. 4615

At 11:54 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 4, 2020.

Tuesday, February 4, 2020

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 3, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4001, on Third Reading, Special Calendar, had been transferred to the House Calendar.

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. 4466, Certificates of Insurance Act,

H. B. 4477, West Virginia Mutual to Mutual Insurance Holding Company Act,

And,

H. B. 4502, Relating to insurance adjusters,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 3rd day of February, 2020, 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 H. B. 2696, Creating an additional index system for state-owned lands,

And,

H. B. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

Delegate Atkinson, 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. 4505, Creating the State Parks and Recreation Endowment 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. 4505) was referred to the Committee on Finance.

Delegate Atkinson, 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. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species,

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. 4513) was referred to the Committee on the Judiciary.

Delegate Atkinson, 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. 4515, Relating to wildlife resources, eligibility for license or permit application,

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

Delegate Atkinson, 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:

Com. Sub. for S. B. 470, Relating to use of crossbow to hunt,

And,

Com. Sub. for S. B. 487, Providing exception that all DNR payments be deposited within 24 hours,

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

Delegate Atkinson, 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:

Com. Sub. for S. B. 500, Relating to Class Y special crossbow hunting permit,

And,

Com. Sub. for S. B. 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR,

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

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. 4543, Relating to insurance coverage for diabetics,

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

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 4543) 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. 4474, Relating to peer-to-peer car sharing programs,

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. 4474) 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), which was read by its title, as follows:

By Delegates Ellington, Dean, Espinosa, Cooper, Hanna, Atkinson, Evans, Hornbuckle and Campbell:

H. B. 4691 - "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-2-3 of said code, all relating to employment in areas of critical need; re-codifying provisions related to employment of prospective employable professional personnel as prospective teachers and other professional personnel in a separate code section; requiring county board approval; clarifying placement in next ensuing school year; deleting prospective employable professional personnel provisions; adding intent; removing reference to job fairs; restating authorization to employ prospective teachers on condition that certification is issued prior to beginning duties; requiring at least one job posting prior to placement; clarifying that placement is into school-specific critical need position; and extending date upon which provisions related to employment of retired teachers as critical need substitutes will expire."

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. 4607, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services,

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. 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls,

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

Com. Sub. for H. B. 4083 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-13b, relating to requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls on the West Virginia Turnpike,"

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. 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers,

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

Com. Sub. for H. B. 4444 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1, §29-32-2, §29-32-3, §29-32-4, §29-32-5, all relating to establishing Medals of Valor for emergency medical service members, firefighters, and law-enforcement officers; establishing the Medal of Valor; establishing criteria for awarding the Medal of Valor; prohibiting awarding of Medal of Valor in any manner than otherwise set forth in this article; establishing the Firefighters Honors Board to recommend persons to receive the Medal of Valor; establishing the Law-Enforcement Honor Board

to recommend persons to receive the Medal of Valor; establishing the Emergency Medical Services Honor Board to recommend persons to receive the Medal of Valor; providing duties and purpose of each board; setting forth the membership of each board, the manner of membership selection, and the terms and conditions of service; setting forth process for identifying candidates to receive Medal of Valor; setting forth process for considering candidates to receive Medal of Valor; providing for submission of nominated persons to Speaker of the House of Delegates and President of the Senate; directing Governor to issue Medal of Valor to nominee upon adoption of concurrent resolution by Legislature; and directing the Department of Arts, Culture and History create design for Medal of Valor,”

And,

H. B. 4453, Expanding the eligibility requirements for private investigator and security guard licensure,

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

Com. Sub. for H. B. 4453 - “A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-9 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure; recognizing military service; removing a disparate out of state license fee; removing the ambiguous reference to moral turpitude as grounds for disqualification; and by capping the license renewal fee,”

With the recommendation that the committee substitutes each do pass.

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

By Delegates Shott, D. Kelly, Canestraro, Miller, N. Brown, Queen and Westfall:

H. B. 4664 - “A Bill to amend and reenact §17C-5-2 and §17C-5-2a 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; and clarifying the definition of ‘in this state’ for purposes of enforcement of these measures.”

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. 4361, Relating to insurance law violations,

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

Com. Sub. for H. B. 4361 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-41-4a, and §33-41-11a; and to amend and reenact §33-41-2, §33-41-5, §33-41-8, §33-41-11, and §33-41-12 of said code, all relating to insurance law violations; defining ‘fraudulent insurance act’; allowing Insurance Commissioner to accept proceeds from court ordered forfeiture proceedings; creating special revenue fund; permitting courts to award cost of investigation to insurance fraud unit or other law-enforcement agency; requiring person engaged in the business of insurance to report to the Insurance Commissioner suspected insurance law violations; permitting insurance fraud unit to administer oaths or affirmations, execute search and arrest warrants, make arrests upon probable cause without a warrant, and participate in the prosecution of workers’ compensation fraud; making the commission of a fraudulent insurance act a violation of law; mandating that a person convicted of a felony involving dishonesty, breach of trust, or a law reasonably related to the business of insurance is disqualified from participating in the business of insurance; requiring insurance companies to have antifraud initiatives; allowing the Insurance Commissioner to promulgate rules; and providing for criminal penalties and restitution for insurance law violations.”

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. 4585, Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect,

And,

Com. Sub. for S. B. 46, Defining “pepper spray” and exempting from definition of “deadly weapons”,

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

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 3, 2020, he approved **Com. Sub. for S. B. 94**.

Messages from the Senate

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. 4103, Relating to office of drug control policy.

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 5T. OFFICE OF DRUG CONTROL POLICY.

§16-5T-2. Office of Drug Control Policy.

(a) The Office of Drug Control Policy is ~~created~~ continued within the Department of Health and Human Resources under the direction and supervision of the secretary and ~~supervision~~ with the assistance of the State Health Officer.

(b) The Office of Drug Control Policy shall create a state drug control policy in coordination with the bureaus of the department and other state agencies. This policy shall include all programs which are related to the prevention, treatment, and reduction of substance abuse use disorder.

(c) The Office of Drug Control Policy shall:

(1) Develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking by at least 10 percent by July 1, 2018;

(2) Monitor, coordinate, and oversee the collection of data and issues related to drug, alcohol, and tobacco access, substance use disorder policies, and smoking cessation and prevention, and their impact on state and local programs;

(3) Make policy recommendations to executive branch agencies that work with alcohol and substance use disorder issues, and smoking cessation and prevention, to ensure the greatest efficiency and consistency in practices will be applied to all efforts undertaken by the administration;

(4) Identify existing resources and prevention activities in each community that advocate or implement emerging best practice and evidence-based programs for the full substance use disorder continuum of drug and alcohol abuse education and prevention, including smoking cessation or prevention, early intervention, treatment, and recovery;

(5) Encourage coordination among public and private, state and local agencies, organizations, and service providers, and monitor related programs;

(6) Act as the referral source of information, using existing information clearinghouse resources within the Department of

Health and Human Resources, relating to emerging best practice and evidence-based substance use disorder prevention, cessation, treatment and recovery programs, and youth tobacco access, smoking cessation and prevention. The Office of Drug Control Policy will identify gaps in information referral sources;

(7) Apply for grant opportunities for existing programs;

(8) Observe programs in other states;

(9) Make recommendations and provide training, technical assistance, and consultation to local service providers;

(10) Review existing research on programs related to substance use disorder prevention and treatment and smoking cessation and prevention, and provide for an examination of the prescribing and treatment history, including court-ordered treatment, or treatment within the criminal justice system, of persons in the state who suffered fatal or nonfatal opiate overdoses;

(11) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment, and education program based on the strategic plan that could encourage smoking cessation and prevention through efficient, effective, and research-based strategies;

(12) Establish a mechanism to coordinate the distribution of funds to support a local program based on the strategic plan that could encourage substance use prevention, early intervention, treatment, and recovery through efficient, effective and research-based strategies;

(13) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement school-based anti-drug and anti-tobacco programs;

(14) Coordinate media campaigns designed to demonstrate the negative impact of substance use disorder, smoking and the increased risk of tobacco addiction and the development of other diseases;

(15) Review Drug Enforcement Agency and the West Virginia scheduling of controlled substances and recommend changes that should be made based on data analysis;

(16) Develop recommendations to improve communication between health care providers and their patients about the risks and benefits of opioid therapy for acute pain, improve the safety and effectiveness of pain treatment, and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose;

(17) Develop and implement a program, in accordance with the provisions of ~~section three~~ §16-5T-3 of this code, to collect data on fatal and nonfatal drug overdoses caused by abuse and misuse of prescription and illicit drugs, from law enforcement agencies, emergency medical services, health care facilities and the Office of the Chief Medical Examiner;

(18) Develop and implement a program that requires the collection of data on the dispensing and use of an opioid antagonist from law enforcement agencies, emergency medical services, health care facilities, the Office of the Chief Medical Examiner and other entities as required by the office;

(19) Develop a program that provides assessment of persons who have been administered an opioid antagonist; and

(20) Report semi-annually to the Joint Committee on Health on the status of the Office of Drug Control Policy.

(d) Notwithstanding any other provision of this code to the contrary, and to facilitate the collection of data and issues, the Office of Drug Control Policy may exchange necessary data and information with the bureaus within the department, the Department of Military Affairs and Public Safety, the Department of Administration, the Administrator of Courts, the Poison Control Center, and the Board of Pharmacy. The data and information may include, but is not limited to: Data from the Controlled Substance Monitoring Program; the all-payer claims database; the criminal

offender record information database; and the court activity record information;

(e) Prior to July 1, 2018, the office shall develop a plan to expand the number of treatment beds in locations throughout the state which the office determines to be the highest priority for serving the needs of the citizens of the state.”

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. 78**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4103) 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. 281 - “A Bill to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for persons applying for reappointment to a municipal police department”; 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. 534 - “A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to employees serving the Legislature on a temporary basis, or in

support of the legislative session, are not exempt from unemployment benefits coverage”; 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. 547 - “A Bill to amend and reenact §21-3E-16 of the Code of West Virginia, 1931, as amended, relating to employer testing, notice, termination, and forfeiture of unemployment compensation benefits”; 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. 552 - “A Bill to amend and reenact §22C-1-6 of the Code of West Virginia, 1931, as amended, relating to requiring contracts of \$25,000 or more to be competitively bid”; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates Jennings and Azinger 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. 59 - “Requesting the Joint Committee on Government and Finance study the impact of a future electromagnetic pulse (EMP) catastrophe on the State of West Virginia.”

Whereas, Geomagnetic disturbances and electromagnetic pulses (EMP) have the capability of producing significant damage to West Virginia’s infrastructure and electronic equipment; and

Whereas, West Virginia's dependence on electricity was clearly demonstrated during the aftermath of the 2012 derecho which paralyzed much of the state; and

Whereas, West Virginia's vulnerability to severe threats is increasing daily through heightened use and dependence on electronic equipment; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby directed to study strategies for prevention and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses (EMP). In conducting its study, the Joint Committee on Government and Finance shall: (i) Study the nature and magnitude of potential threats to the State of West Virginia caused by geomagnetic disturbances and electromagnetic pulses (EMP); (ii) examine West Virginia's vulnerabilities to the potential negative impacts of geomagnetic disturbances and electromagnetic pulses (EMP); (iii) identify strategies to prevent and mitigate the effects of geomagnetic disturbances and electromagnetic pulses (EMP) on West Virginia's infrastructure; (iv) estimate the feasibility and cost of such preventative and mitigation measures; and (v) make recommendations regarding strategies West Virginia should employ to better protect itself from and mitigate damages caused by geomagnetic disturbances and electromagnetic pulses (EMP); and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature 2021, on its findings, conclusions and 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.

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. 60 - “Requesting the Division of Highways name bridge number 20-77-98.10 (20A420), Lat/Long (38.33497,-81.59610) locally known as I-77 Wertz Avenue OP NB, carrying I-77 over Wertz Avenue in Kanawha County, the ‘U.S. Army PFC Teddy Ray Chandler Memorial Bridge’.”

Whereas, Teddy Ray Chandler was born July 27, 1932, in Charleston, West Virginia, the son of Opha and Rose Mary Chandler; and

Whereas, Teddy Ray Chandler lived on Piedmont Road in Charleston; and attended Roosevelt Junior High School and Charleston High School; and

Whereas, Teddy Ray Chandler enlisted in the Army on July 28, 1950, and was assigned to Company F, 35th Infantry Division as a light weapons infantryman; and

Whereas, Teddy was sent to Korea in late August 1950, where his regiment became known as “The rock of the Nam”; and

Whereas, His unit was assigned the task of securing the Kaesong area but on November 25th his unit was surprised by an onslaught of overwhelming numbers of communist Chinese forces who descended upon them from Manchuria; and

Whereas, Teddy Ray Chandler was listed as missing in action and presumed dead on November 27, 1950, and his body has never been found; and

Whereas, During his short military career, Teddy Ray Chandler was awarded the Combat Infantryman Badge, the National Defense Service Medal, the Korean Service Medal, the United Nations Korea Service Medal and the Purple Heart; and

Whereas, It is fitting that an enduring memorial be established to commemorate Army PFC Teddy Ray Chandler 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 20-77-98.10(20A420), Lat./Long.(38.33497,-81.59610) locally known as I-77 Wertz Avenue OP NB, carrying I-77 over Wertz Avenue in Kanawha County, the “U.S. Army PFC Teddy Ray Chandler 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 Teddy Ray Chandler Memorial Bridge”; and, be it

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

Delegates Rodighiero, Tomblin, 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. 61 - “Requesting the Division of Highways to name bridge number 23-7-3.44 (23A374), locally known as New Gore Fork Bridge, carrying County Route 7 over Gore Fork Creek in Logan County, the ‘U.S. Army PFC Clayton Collins Memorial Bridge’.”

Whereas, Clayton Collins of Pecks Mill, Logan County, West Virginia, was born March 24, 1942; and

Whereas, PFC Clayton Collins, as a U.S. Army Armor Reconnaissance Specialist, was a member of C Troop, 1st Squadron, 4th Cavalry, 1st Infantry Division; and

Whereas, PFC Clayton Collins died at the age of 23 on November 5, 1965, during hostile action in South Vietnam; and

Whereas, It is proper to dedicate a fitting memorial to this young soldier who gave his life for his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-7-3.44 (23A374), locally known as New Gore Fork Bridge, carrying County Route 7 over Gore Fork Creek in Logan County, the “U.S. Army PFC Clayton Collins 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 “U S. Army PFC Clayton Collins 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, Maynard and J. Jeffries 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 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the ‘USMC Cpl Guy Maywood Edwards Memorial Bridge’.”

Whereas, United States Marine Corps Corporal Guy Maywood Edwards was born on September 13, 1918, in Myra, West Virginia, to Hiram Otho Edwards and Elmyra Elizabeth Porter Edwards; and

Whereas, Corporal Edwards graduated from Hamlin High School, and enlisted in the Marines during the winter of 1942; and

Whereas, Corporal Edwards was serving with the Fourth Division of the Marines and, despite having been wounded in October 1944 on Saipan in the Marina Islands, landed on Iwo Jima on February 20, 1945, ready for duty. Corporal Edwards was killed in action six days later on February 26, 1945; and

Whereas, Corporal Edwards’ brother PFC Donald Edwards was also serving in the Fourth Marine Division on Iwo Jima and was wounded on February 28, 1945; and

Whereas, It is right and just to honor the memory of United States Marine Corps Corporal Guy Maywood Edwards, who so ably served his country and state, and having made the ultimate sacrifice, by naming this bridge after him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-007/00-021.18 (22A153), (38.22218, - 82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “USMC Cpl Guy Maywood Edwards 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 “USMC Cpl Guy Maywood Edwards Memorial Bridge”; and, be it

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

And,

Delegates Hartman, C. Thompson, Boggs, Pethtel and Sponaule 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 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, 7th 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 Ona 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, 6th 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, 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 & 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 erect 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 forward a copy of this resolution to the Commissioner of the Division of Highways.

Motions

Delegate Pushkin asked unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4059, which consent was not granted, objection being heard.

Delegate McGeehan moved, under the provisions of House Rule 82, to discharge **H. B. 2732**, Defend the Guard Act, from the Committee on Veterans' Affairs and Homeland Security.

Delegate Summers moved that the motion to discharge be laid upon the table.

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. 79**), and there were—yeas 50, nays 50, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Azinger, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Cadle, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Graves, Hanna, Hansen, Hartman, Hicks, Hornbuckle, Jennings, Kump, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Phillips, Pushkin, Pyles, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Williams and Wilson.

So, a majority of the members present and voting not having voted in the affirmative, the motion to table the motion to discharge the bill from committee was rejected.

During debate on the motion to discharge, Delegate Robinson arose to a point of order regarding the remarks of Delegate Steele not being directed to the question before the House, to which point the Speaker replied that the point was well taken but that some leeway would be allowed.

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. 80**), and there were—yeas 50, nays 50, absent and not voting none, with the nays being as follows:

Nays: Anderson, Atkinson, Barnhart, Barrett, Bartlett, Bibby, Capito, Cooper, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Linville, Little, Longstreth, Mandt, C. Martin, Maynard, Nelson, Pack, Porterfield, Pyles, Queen, Robinson, Rohrbach, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Worrell and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the motion to discharge the bill from committee was rejected.

Bills Introduced

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

By Delegates Capito, Queen and Shott:

H. B. 4665 - "A Bill to amend and reenact §12-3-10d of the Code of West Virginia, 1931, as amended, relating to a decrease from 15.5 percent to 10 percent the amount transferred to the Purchasing Improvement Fund; and creating a transfer of five and one half percent to the Entrepreneurship and Innovation Investment Fund from fees generated by the use of the State Purchasing Card Program"; to the Committee on Finance.

By Delegates Byrd, Nelson, Capito, Pushkin, Queen, Skaff, Rowe and Rohrbach:

H. B. 4666 - "A Bill to amend and reenact §8-27-23 of the Code of West Virginia, 1931, as amended, relating to competitive bids for intergovernmental relations and urban mass transportation systems; increasing the contract sum that requires competitive bidding; and providing that competitive bidding is not required by certain urban transit authorities"; to the Committee on Finance.

By Delegate Sypolt:

H. B. 4667 - "A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring law-enforcement officers to submit reports of crashes to the owners and/or drivers of the vehicles involved in the crash in the same manner that law-enforcement officers are required to submit reports of crashes to the Division of Highways; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents"; to the Committee on the Judiciary.

By Delegates Miley, Lovejoy, Evans, Caputo, Waxman, Rohrbach and Worrell:

H. B. 4668 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to creating the misdemeanor crime of trespass for entering a structure that has been condemned by a municipality as unfit for human habitation; and providing criminal penalty”; to the Committee on the Judiciary.

By Delegate Rohrbach:

H. B. 4669 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to the exclusion of participants in the state’s Jobs and Hope program from the forfeiture of their Medicaid benefits”; to the Committee on Health and Human Resources then Finance.

By Delegates Graves, Summers and Espinosa:

H. B. 4670 - “A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; providing definitions related to the juvenile restorative justice programs; establishing particular aspects of a voluntary restorative justice program including juveniles taking responsibility for their actions, focusing on repairing harm done by facilitated communication between victim, offender, and associated third parties or stakeholders; including victim-offender mediation, peacemaking circles, and family group conferencing as aspects of the restorative justice program; and include a process whereby all parties agree on how to reasonably repair the harm, which may include, but is not limited to, restitution, community service, or other reasonable sanctions”; to the Committee on the Judiciary.

By Delegates Robinson, Hornbuckle, Hill, Pack, Rowan, Worrell, Rowe, Estep-Burton, Pushkin, Skaff and Byrd:

H. B. 4671 - “A Bill to amend and reenact §17B-1B-2 of the Code of West Virginia, 1931, as amended, relating to organ and tissue donation, and requiring the Division of Motor Vehicle to notify an applicant for a new or renewed Motor Vehicle License or Identification Card that he or she will be automatically added to the division’s organ donation registry unless the applicant expressly

indicates that they do not consent to organ donation”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Cadle, Hott, Butler, Toney, J. Jeffries, Kessinger, Hardy, Bibby, Canestraro, Foster and Paynter:

H. B. 4672 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-13-3a, relating to requiring the Commissioner of the Division of Highways to provide adequate pull-off parking space along the state’s highway interstate system for those semitrailers and other vehicles that must stop at designated areas for weight, size or load limit inspection; and requiring rule-making”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Criss, Bibby, Cadle, J. Jeffries, Miller, Maynard, Steele, Caputo, Worrell, Evans and Tomblin:

H. B. 4673 - “A Bill to amend and reenact §5D-1-2 and §5D-1-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-20, all relating to the Public Energy Authority Act of West Virginia; required environmental pollution controls for coal fired power plants; providing legislative findings; providing expedited recovery process for coal fired power plants owned by electric utilities in West Virginia; and providing procedures to ensure that no more coal-fired plants close and long-term state prosperity is maintained”; to the Committee on Energy then the Judiciary.

By Delegates Kessinger, Hardy, Hill, Bibby, Maynard, Fast, Rowan, P. Martin, Steele, Waxman and Pack:

H. B. 4674 - “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, §5-30-5, and §5-30-6, all relating to creating the Act to Counter Boycotts, Divestments, and Sanctions of Israel; prohibiting public entities in the state from doing business with companies that engage in economic boycotts of Israel; requiring divestment; making findings; requiring reports; defining terms; and providing for severability”; to the Committee on the Judiciary.

By Delegates Wilson, Cooper, Bibby, Atkinson, Tomblin, Rodighiero, D. Jeffries, Sypolt, D. Kelly, Hott and Campbell:

H. B. 4675 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-56b, relating to permitting persons who routinely shoot or discharge firearms at a public shooting range to assist in its maintenance and upkeep; defining a term; and requiring rule-making”; to the Committee on the Judiciary.

By Delegates Linville, Ellington, Higginbotham, Householder, Dean, Lovejoy and Graves:

H. B. 4676 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, §5A-13-6, and §5A-13-7, all relating to establishing a West Virginia Saving Money and Reducing Time Prize Program; declaring legislative intent; establishing program within the Department of Administration; providing for program coordinator; granting rule-making authority to the secretary of the department; defining criteria and subjects for prize awards; declaring eligibility of state institutions of higher learning and grounds for disqualification; requiring applications for prize awards; creating a West Virginia SMaRT Prize Review Board; declaring membership and duties; providing for determination of award and source of payments; restricting payment of awards out of realized savings; and establishing provisions for ownership and licensing of proposed solutions”; to the Committee on Education then Finance.

By Delegates Wilson and Waxman:

H. B. 4677 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-2b, relating to making public school teachers state employees”; to the Committee on Education.

By Delegate Wilson:

H. B. 4678 - “A Bill to amend and reenact §19-34-2 and §19-34-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §64-9-12, all relating to keeping reptiles and amphibians from being

included on the Dangerous Wild Animal Board's list of dangerous wild animals"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Rowe and Fleischauer:

H. B. 4679 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-10b; and to amend said code by adding thereto a new section, designated 29-3B-2a, all relating to requiring contractors, electrical contractors or general contractors who perform electrical work a total contract cost of \$25,000 or more to provide written notice to the property owner of the type and cost of electrical outlets specified for that work in the National Electrical Code of the National Fire Protection Association; and requiring the State Fire Marshall to develop and publish the form of the notice"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Rohrbach, Kessinger, Hanna, Hornbuckle, Skaff, Walker, Hill, Pushkin, Robinson, Miller and Caputo:

H. B. 4680 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-18-20e, relating to the creation of a West Virginia Housing Development Fund loan program for recovery residences; defining specifically how funds are to be used; and requirements imposed on recovery residences"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegates Campbell, D. Jeffries, Anderson, J. Kelly, Atkinson, Lavender-Bowe, Canestraro, Lovejoy, Fluharty, Bates and Miller:

H. B. 4681 - "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 then Finance.

By Delegates Campbell, Lavender-Bowe, Canestraro, Lovejoy, Fluharty, Bates, Miller, Robinson, Pack, Hicks and R. Thompson:

H. B. 4682 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-14, 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 Delegate Doyle:

H. B. 4683 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new article, designated §48-32-1, §48-32-2, §48-32-3, §48-32-4, §48-32-5, §48-32-6, §48-32-7, §48-32-8, §48-32-9, and §48-32-10, all related to extreme risk protection orders; establishing the ‘Better Safe than Sorry Act of 2020’; defining terms; establishing process for issuance of extreme risk protection order; establishing processes for issuance of ex parte extreme risk protection order; establishing requirements for issuance of extreme risk protection order; establishing notice requirements; requiring hearing on petition; setting forth the process for termination or renewal of extreme risk protection order; creating process by which firearms and ammunition are relinquished to law enforcement; providing for the return or disposal of firearms and ammunition; requiring extreme risk protection order be reported to Department of Military Affairs and Public Safety; and establishing that article does not otherwise affect law enforcement authority to remove firearm or ammunition from a person”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates R. Thompson, Evans, Doyle, Rodighiero, Hicks, Tomblin, Swartzmiller and Zukoff:

H. B. 4684 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating to providing changing stations for persons with disabilities in all rest areas and welcome centers in the state”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Cowles, Pethtel, Skaff, Storch and Summers:

H. B. 4685 - “A Bill to amend and reenact §31G-4-4 of the Code of West Virginia, 1931, as amended, relating to the regulatory authority of the Public Service Commission over make-ready pole access and use; authorizing the commission to promulgate its own rules; and matters to be considered in the promulgation of the rules”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Maynard, J. Jeffries, Worrell, Hill, Dean, Sypolt, Jennings, Pack, Hardy and Howell:

H. B. 4686 - “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 Pensions and Retirement then Finance.

By Delegates R. Thompson, Evans, Rodighiero, Hicks, Tomblin and Lovejoy:

H. B. 4687 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §23-4-1h, relating to workers’ compensation; and specifying that when a volunteer or part-volunteer firefighter is injured while performing tree or debris removal from state highways and rights-of-way, on behalf of the Commissioner of Highways, the injury is received in the course of and resulting from his or her covered employment”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Maynard, Lovejoy, J. Jeffries, Worrell, Dean, Jennings, Pack and Hardy:

H. B. 4688 - “A Bill to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended, relating to transferring 0.5 percent of Medicaid surplus funds to the Emergency Medical

Services Equipment and Training Fund”; to the Committee on Finance.

By Delegate Byrd:

H. B. 4689 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §8-39-1; to amend said code by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, §11-13FF-9, §11-13FF-10, §11-13FF-11, §11-13FF-12 and §11-13FF-13; and to amend said code by adding thereto a new article, designated §11-13GG-1, §11-13GG-2, §11-13GG-3, §11-13GG-4, §11-13GG-5, §11-13GG-6, §11-13GG-7, §11-13GG-8, §11-13GG-9, §11-13GG-10, §11-13GG-11, §11-13GG-12 and §11-13GG-13, all relating to enacting the West Virginia Technology Attraction Act and the West Virginia Information and Technology Investment Act; expanding the availability of new technology resources in the state to enhance opportunities for technology investment and availability; providing for authorizing local governmental units to construct renewable solar technologies to businesses in their jurisdictions and establishing requirements and conditions thereto; providing a tax credit for construction of fiber optics technologies in the state; providing a tax credit for certain information and technology companies that create jobs in the state; requiring rulemaking and other requirements, conditions and limitations relating to tax credits created”; to the Committee on Energy then Finance.

By Delegate Hill:

H. B. 4690 - “A Bill to amend and reenact §22-15-2 and §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; and to amend and reenact §22C-4-2 and §22C-4-30 of said code, all relating to solid waste facilities; specifying that a solid waste facility that accepts solid waste owned and transported by rail by a cost-sharing group or that accepts solid waste for water pollution abatement purposes is not a commercial solid waste facility; providing for exemption of such facilities from solid waste assessment fee; conforming definition of commercial solid waste facility in articles relating to recycling assessment fees,

solid waste landfill assistance programs, and county and regional solid waste authorities; and providing for exemption of such facilities from solid waste assessment interim fees”; to the Committee on the Judiciary.

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. 81**), 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.

Com. Sub. for H. B. 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant; 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. 82**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2892) 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. 4102, Relating to opioid antagonists; 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. 83**), 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. 4102) passed.

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

Com. Sub. for H. B. 4102 - “A Bill to amend and reenact §16-46-3 and §16-46-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60A-9-4 of said code, all relating to opioid antagonists; prescribing an opioid antagonist; possessing an opioid antagonist; dispensing an opioid antagonist; providing an opioid antagonist; collecting data related to an opioid antagonist; requiring certain reporting of an opioid antagonist; providing immunity; making technical changes.”

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

On this question, the yeas and nays were taken (**Roll No. 84**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Cadle and Foster.

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. 4102) 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. 4137, Allowing counties to store and maintain voter registration records in a digital format; 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 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. 4137) 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. 4356, Relating to the administration of anesthetics; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Skaff asked and obtained unanimous consent to offer an amendment to the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

Delegates Skaff and Staggers moved to amend the bill on page one, section fifteen, line nine, following the word “anesthesia”, by inserting the words “at critical access hospitals”.

During debate, Delegate Skaff moved that the bill be postponed one day.

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. 86**), and there were—yeas 50, nays 49, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Barnhart, Bartlett, Bibby, Butler, Capito, Cooper, Criss, Dean, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Little, Mandt, C.R. Martin, P. Martin, Maynard, Pack, Paynter, Phillips, Porterfield, Pushkin, Queen, Rowan, Steele, Summers, Toney, Waxman, Worrell and Speaker Hanshaw.

Absent and Not Voting: Wilson.

So, a majority of the members present and voting having voted in the affirmative, the motion was adopted and the bill was postponed one day.

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard; on third reading, coming up in regular order, was read a third time.

Delegate S. Brown requested to be excused from voting on H. B. 4412 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. 87**), 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: Pyles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4412) passed.

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

On this question, the yeas and nays were taken (**Roll No. 88**), 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: Pyles.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4412) 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. 4434, West Virginia health care workforce sustainability study; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Capito asked and obtained unanimous consent to offer an amendment to the bill on third reading and the rule was suspended to permit the offering and consideration of an amendment on third reading.

On motion of Delegate Hill, the bill was amended on page one, after the enacting clause by inserting the following:

“ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-9. West Virginia Health Care Workforce Sustainability Study.”

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. 89**), 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. 4434) 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. 311, Relating to court-ordered community service; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 357, Authorizing Department of Revenue promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate; 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. 4090, Creating the Oil and Gas Abandoned Well Plugging Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4161, Making it illegal to scleral tattoo a person; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4375, Speech-Language Pathologists and Audiologists Compact; 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. 4378, Relating to disciplining teachers; 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. 4395, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4410, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected; 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. 4414, Relating to the selection of language and development milestones for the deaf and hard-of-hearing children; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Rowan, the bill was amended on page three, line forty-four, following “(IFSP)”, by inserting the words “individual education plan (IEP)”.

And,

On page three, line forty-five, following “(IFSP)”, by inserting the words “or IEP”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4415, Relating to missing and endangered 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. 4438, Relating to the licensing of advance deposit wagering; 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, on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 23. HORSE AND DOG RACING.

§19-23-12e. Licensing of advance deposit account wagering.

(a) As used in this section:

‘Account’ means an advance deposit account wagering account owned by an account holder and managed by an ADW licensee that the Racing Commission has determined will maintain a specific identifiable record of account deposits, wagers, credits, debits, and withdrawals and protect the account holder’s confidential information.

‘Account holder’ means a resident individual, at least 18 years of age who applies for and successfully opens an account with an ADW licensee.

‘Advance deposit account wagering’ means a method of pari-mutuel wagering that is permissible under the Interstate Horseracing Act, 15 U.S.C. §3001, et seq., in which an individual may establish an account with a person or entity, licensed by the Racing Commission, to place pari-mutuel wagers on horse or greyhound racing with the ADW licensee via electronic media or by telephone, but not including account wagering conducted through a licensee under §19-23-9(a) of this code, and the Racing Commission’s rules thereunder with respect to wagering conducted pursuant to Racing Commission Rule §178-5-5.

‘Advance deposit account wagering licensee’ means an entity licensed by the Racing Commission to conduct advance deposit account wagering that accepts deposits and wagers, issues a receipt or other confirmation to the account holder evidencing the deposits and wagers and transfers credits and debits to and from an account.

‘ADW’ means advance deposit account wagering.

‘Confidential information’ means: (A) The amount of money credited to, debited from, withdrawn from, or present in an account; (B) the amount of money wagered by an account holder on any race or series or races, or the identities of racing associations on which the account holder is wagering or has wagered; (C) the

account number and secure personal identification information of an account holder; and (D) unless authorized by the account holder, the name, address, or other information that would identify the account holder to any person or entity other than the Racing Commission or the ADW licensee that manages the account.

‘Electronic media’ means any electronic communication device or combination of devices including, but not limited to, personal computers, the Internet, private networks, interactive televisions, and wireless communication technologies or other technologies approved by the Racing Commission.

‘Licensee’ means any racing association holding a license as defined by §19-23-3 of this code;

‘Located’ means, in regard to a resident account holder, where his or her principal residence is located.

‘Principal residence’ means the street address identified by a resident account holder as that individual’s residential address, as the address may be verified by the ADW licensee to the satisfaction of the Racing Commission.

‘Resident’ is an individual who: (A) Is domiciled in West Virginia; (B) maintains a place of abode and spends at least 183 days within a calendar year in West Virginia; or (C) lists an address in West Virginia as his or her principal residence when opening an account.

‘Source market fee’ means a fee paid by the ADW licensee, which shall be five percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission and distributed as set forth in subsection (b) of this section.

‘Total handle’ means the total annual dollar sales amount of all pari-mutuel wagering on horse and greyhound races conducted at, or generated from imports or exports of simulcast horse and greyhound races to or from, a licensee, including all moneys from wagering conducted under §19-23-9, §19-23-12a, §19-23-12b, and

§19-23-12c of this code, but excluding refunds, cancellations, and advance deposit account wagering under this section.

(b) The source market fee shall be paid by the ADW licensee on a monthly basis to the Racing Commission and distributed as provided in this subsection.

(1) The Racing Commission shall prorate all source market fees derived from wagers of account holders between the licensees by dividing each licensee's total handle by the total handle of all West Virginia licensees in the prior calendar year, and distribute the prorated amounts as follows:

(A) Ten percent of each horse racing licensee's prorated amount to the West Virginia Thoroughbred Development Fund or ten percent of each dog racing licensee's prorated amount to the West Virginia Racing Commission Special Account-West Virginia Greyhound Breeding Development Fund;

(B) Forty-five percent to the purse fund of each prorated licensee; and

(C) Forty-five percent to each prorated licensee.

(c) The advance deposit account wagers placed by account holders with an ADW licensee licensed by the Racing Commission in accordance with this section are authorized and the provisions of §61-10-1 *et seq.* of this code relating to gaming do not apply to advance deposit account wagering conducted in accordance with this section.

(d) The Racing Commission is vested with jurisdiction over any person or entity that solicits account holders or offers advance deposit account wagering in West Virginia. Any person or entity that solicits account holders or offers advance deposit account wagering in West Virginia shall be licensed and the Racing Commission may impose a nonrefundable initial and annual renewal licensing application fee not to exceed \$5,000. The Racing Commission may also require any applicant for an initial or renewal ADW license to bear the costs involved in conducting background checks and reviews. If a licensee, or an affiliate of a

licensee, applies for an ADW license under this section, all fees under this subsection shall be deemed paid and an ADW license issued as part of a licensee's annual licensing, or, if the license application is submitted apart from annual licensing, an ADW license shall be issued at the time the application is submitted.

(e) A person or entity may not conduct advance deposit account wagering in West Virginia unless the person or entity has applied for and been granted an ADW license by the Racing Commission. The Racing Commission shall also ensure that, except for advance deposit account wagering authorized under this section, all pari-mutuel wagering on racing is conducted within the confines of a licensee's racetrack or licensed contiguous hotel, as permitted under §19-23-9(a) and §19-23-12a(1) of this code and implementing rules thereunder, including Racing Commission Rule §178-5-5, or within an authorized gaming facility in a historic resort hotel, as permitted under §19-23-12d of this code and implementing rules thereunder.

(f) Any person who is not licensed as an advance deposit account wagering licensee by the Racing Commission who accepts an advance deposit account wager from a resident is guilty of a felony and, upon conviction thereof, shall be fined not more than \$50,000 or imprisoned in a state correctional facility not more than five years, or both fined and imprisoned. Further, the court shall order any convicted person to pay restitution to recover all amounts that would have been payable to the Racing Commission under this section.

(g) The Racing Commission may seek injunctive relief against any person who is not licensed as an advance deposit account wagering licensee by the Racing Commission who accepts or attempts to accept an advance deposit account wager from a resident. The Racing Commission may also seek recovery of all amounts that would have been payable to the Racing Commission under this section, damages equal to three times the amount of recovery, and reasonable costs and attorney fees. Damages recovered by the Racing Commission shall be distributed as source market fees under this section.

(h) There is hereby assessed a regulatory fee paid by the ADW licensee, which shall be one percent of the total amount wagered through the ADW licensee by residents under this section, excluding refunds and cancellations, payable on a monthly basis to the Racing Commission for deposit into the Racing Commission's general administrative account.

(i) Advance deposit account wagers placed by residents are considered to be wagering conducted in this state and subject to the laws of this state and the rules of the Racing Commission.

(j) The Racing Commission may propose legislative rules for promulgation, pursuant to §29A-3-1 et seq. of this code to implement this section and may propose emergency rules to provide conditions for the licensing of advance deposit account wagering. Those rules may include, but are not limited to: (1) standards, qualifications, and procedures for the issuance of an advance deposit account wagering license in West Virginia; (2) rules establishing initial and renewal license fees and payment of same to the Racing Commission to cover the costs of licensing ADW licensees; (3) provisions regarding the collection and distribution of those fees; (4) provisions regarding access to books and records and submission to investigations and audits by the Racing Commission; (5) standards and procedures for opening, maintaining, operating, and securing ADW accounts, as well as protecting confidential information therein; and (6) any other conditions to ensure an orderly process of accepting ADW wagers in acting in the best interests of the West Virginia horse and dog racing industries.”

On motion of Delegates Householder and Espinosa, the amendment was amended, on page two, section twelve-e, line four, following the words “race or series”, by striking out the word “or” and inserting in lieu thereof the word “of”.

The Finance Committee amendment, as amended, was then adopted.

The bill was then ordered to engrossment and third reading.

H. B. 4559, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor; 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. 4352, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making,

H. B. 4380, Updating the regulatory board review schedule,

And,

Com. Sub. for H. B. 4509, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support.

Miscellaneous Business

Delegate Pyles announced that he was absent when the vote was taken on H. B. 4412, and had he been present, he would have voted "Yea" thereon.

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 Maynard regarding the death of former Delegate Ted Ellis
- Delegate Longstreth regarding H. B. 2732
- Delegate J. Kelly during Remarks by Members
- Delegate McGeehan during Remarks by Members
- Delegate Hornbuckle during Remarks by Members

- Delegate Graves during Remarks by Members
- Delegate Robinson during Remarks by Members

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

- Delegate Pyles for H. B. 2077, H. B. 2080, H. B. 2224, H. B. 2382, H. B. 2376, H. B. 3058, H. B. 4467, H. B. 4493, H. B. 4608, H. B. 4624, H. B. 4636 and H. B. 4640
- Delegate Porterfield for H. B. 4192, H. B. 4513, H. B. 4514 and H. B. 4642
- Delegates Fluharty, Hansen, Lavender-Bowe, Queen and Skaff for H. B. 4689
- Delegate Cowles for H. B. 4455
- Delegate Robinson for H. B. 2902
- Delegate S. Brown for H. B. 4641
- Delegate Toney for H. B. 2588
- Delegate Kump for H. B. 4677 and H. B. 4678
- Delegate Wilson for H. B. 4457
- Delegate Criss for H. B. 4639
- Delegate Steele for H. B. 4650
- Delegate Fluharty for H. B. 4524
- Delegate Lovejoy for H. B. 4689
- Delegate Hott for H. B. 4514
- Delegate Nelson for H. B. 4543
- Delegate Mandt for H. B. 4493
- Delegate Lavender-Bowe for H. B. 4494

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

- Delegate D. Jeffries for H. B. 4543
- Delegate Pethtel for H. B. 4615
- Delegate Criss for H. B. 4641
- Delegate Miller for H. B. 4069
- Delegate Azinger for H. B. 4562
- Delegate Paynter for H. B. 4661

At 2:05 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 5, 2020.

Wednesday, February 5, 2020

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 4, 2020, 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. 4455, Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure,

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. 4582, Declaring certain claims against agencies of the state to be moral obligations of the state,

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. 4061, Health Benefit Plan Network Access and Adequacy Act,

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

Com. Sub. for H. B. 4061 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, and §33-53-10, all relating to health plan benefit networks; creating the Health Benefit Plan Network Access and Adequacy Act; providing definitions; establishing the Act applies to all healthcare providers with enumerated exceptions; providing adequate network standards and criteria; providing for an accessible directory of health care providers; requiring intermediary contracts to satisfy designated requirements; providing certain filing requirements for approval; establishing certain contract requirements; providing the commissioner has authority to assure compliance with the Act; limiting the commissioner's authority to mediate or settle disputes; providing rule making powers; and establishing penalties for violation of the Act,"

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. 4611, Relating to fireworks,

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

Com. Sub. for H. B. 4611 - “A Bill to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as amended, all relating generally to fireworks; reducing certification fees for both temporary and permanent retail sales locations for fireworks and requiring the State Fire Marshal to establish a procedure that allows a fireworks retailer to combine and pay all applicable fees in a single payment,”

With the recommendation that the committee substitute do pass.

Delegate Graves, 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. 4350, Relating to the Deputy Sheriff Retirement System Act,

And reports the same back, with a title amendment, with the recommendation that it 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 bill (H. B. 4350) was referred to the Committee on Finance.

Delegate Graves, 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:

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

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

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

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

H. B. 4003, Relating to telehealth insurance requirements,

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

Com. Sub. for H. B. 4003 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-25, and to amend said code by adding thereto a new section, designated §33-53-3, all relating to telehealth requirements; providing rulemaking authority; requiring boards to regulate telehealth practice; defining terms; requiring insurance coverage of certain telehealth services; providing an effective date; and providing limitation of applicability,”

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. 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities,

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

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

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

H. B. 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals,

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. 4557) was referred to the Committee on the Judiciary.

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

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

H. B. 4494, Tobacco Use Cessation Initiative,

And,

H. B. 4569, Imposing a health care related provider tax on certain health care organizations,

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. 4494 and H. B. 4569) were each referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

S. B. 321, Relating to collection of tax and priority of distribution of estate or property in receivership,

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,

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

And,

H. B. 4618, Relating to deadly weapons for sale or hire,

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

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 4th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 323, Authorizing Department of Administration promulgate legislative rules.

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:

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

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. 240 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-22b; and to amend and reenact §16-6-23 of said code, all relating to requiring hotels and restaurants to secure manhole covers of certain grease traps by a certain date; providing methods for securing the manhole covers; authorizing the commissioner to specify the method of limiting access to the manhole; authorizing the promulgation of rules; and increasing the civil penalty for noncompliance with the requirements of the article”; 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. 267 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-16a, relating to creating the offenses of conversion of leased or rented personal property; establishing the elements of the offenses; creating exceptions; and establishing and setting 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

S. B. 510 - “A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 1931, as amended, relating to making permanent the right of first refusal land reuse agencies and municipal land banks have on tax-delinquent properties; expanding the circumstances when the right of first refusal may be used; clarifying provisions related to the right of first refusal; and authorizing land reuse agencies and municipal land banks to reject adjacent property owner’s request to purchase property in certain circumstances”; 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 Pushkin, Estep-Burton, Robinson, Byrd, S. Brown, Bibby, Skaff and Hornbuckle:

H. B. 4692 - “A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculation of the school aid formula based on net enrollment at alternative and year-round schools”; to the Committee on Education.

By Delegates Pack, Steele, Cooper, Paynter and Summers:

H. B. 4693 - “A Bill to amend and reenact §19-1-12 of the Code of West Virginia, 1931, as amended, relating to renaming the Veteran and Warriors Agriculture Program in order for it to serve law enforcement and emergency services”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate R. Thompson:

H. B. 4694 - “A Bill to amend and reenact §30-13A-6 of the Code of West Virginia, 1931, as amended, relating to requiring that land surveyors record survey plats at the county courthouse”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Campbell, Pack, Lovejoy, Caputo, Rohrbach, Rowan, Evans, Lavender-Bowe and D. Jeffries:

H. B. 4695 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date”; to the Committee on the Judiciary.

By Delegates Campbell, Pack, Paynter, Kessinger, Toney, Evans, Lavender-Bowe, Bates and Staggers:

H. B. 4696 - “A Bill to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating to exempting

school buses with students on board from paying turnpike tolls”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Pushkin, Foster, Skaff and Howell:

H. B. 4697 - “A Bill to amend and reenact §60-1-5b of the Code of West Virginia, 1931, as amended, relating to the definition of ‘mini-distillery’ and sourcing of raw agricultural products used therein”; to the Committee on the Judiciary.

By Delegates Pushkin, Howell, Estep-Burton, Walker, McGeehan and Lavender-Bowe:

H. B. 4698 - “A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-11 of said code, all relating to allowing a bar to purchase liquor from a distillery or a mini-distillery if it is within 10 miles of the distillery or mini-distillery and the liquor was made at the distillery or mini-distillery”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 4699 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6F-504, relating to unfair or deceptive telemarketing acts or practices; providing that West Virginia Code prohibiting transmission of misleading or inaccurate caller identification information applies to communications service providers”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Westfall, Storch, Criss and J. Kelly:

H. B. 4700 - “A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting vehicles from driving slow in the left lane of a roadway or interstate highway for more than a mile and a half without completely passing another vehicle; and providing exceptions”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Howell, C. Martin, Dean, Higginbotham, Ellington, Fast, Graves, Pushkin, Caputo, Stagers and Hamrick:

H. B. 4701 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-10-

10a, relating to establishing a comprehensive framework for the management of all real property assets of the state; specifying essential criteria; and requiring reports to be made to the Joint Committee on Government Operations”; to the Committee on Government Organization.

By Delegates Azinger, Butler, McGeehan, Wilson, J. Kelly, Anderson and Steele:

H. B. 4702 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Commissioner of Highways; and providing that signs on bridges named for deceased members of the military identify the rank and branch of military together all medal awards”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates N. Brown, R. Thompson, Lovejoy, Boggs, Rodighiero, Canestraro, Kump, Miller and Dean:

H. B. 4703 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue registration plates to recognize and honor those families affected by Alzheimer’s disease”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Steele, Bartlett, Dean, C. Martin, Kump, Wilson, Pack, P. Martin, Butler, McGeehan and J. Jeffries:

H. B. 4704 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-13, relating to repealing provisions of the code providing immunity from criminal prosecution or liability”; to the Committee on the Judiciary.

By Delegates Steele, Jennings, Paynter, Phillips, Toney and Pack:

H. B. 4705 - “A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to certain diseases for which rebuttable presumption of injury arising out of and in the course of employment exists for firefighters, including bladder cancer, mesothelioma, and testicular cancer”; to the Committee on

Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Anderson, J. Kelly, Graves, Hansen, Pethtel, Evans, Miley, Higginbotham, Azinger, Paynter and Nelson:

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

By Delegates Wilson, Steele, Bibby, Bartlett, Waxman, Jennings, C. Martin, Butler, Foster, J. Jeffries and Phillips:

H. B. 4707 - “A Bill to amend and reenact §4-1A-6 and §4-1A-8 of the Code of West Virginia, 1931, as amended, all relating to members of the Legislature; and clarifying that a legislator’s immunity from arrest and trial is subject to the language of the Constitution of West Virginia”; to the Committee on the Judiciary.

By Delegates Wilson, Bibby, Dean, Paynter and J. Jeffries:

H. B. 4708 - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating what constitutes a political party”; to the Committee on the Judiciary.

By Delegates Jennings, Foster and Bibby:

H. B. 4709 - “A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate”; to the Committee on Energy then Finance.

By Delegates Rohrbach, Maynard, Canestraro, Hornbuckle, Lovejoy, Linville, Miller, Higginbotham, Waxman, Storch and Queen:

H. B. 4710 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-5-505, relating to authorizing law-enforcement agencies and officers to refer persons for treatment of addiction for when the persons voluntarily request assistance or treatment; providing for immunity from arrest and for surrender of illicit substances or paraphernalia; specifying exceptions; exempting referral information from disclosure under the Freedom of Information Act; and providing certain immunities for law-enforcement agencies and personnel”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegate Rohrbach:

H. B. 4711 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-47A-1, relating to requiring the Superintendent of the West Virginia State Police to develop a program for individuals suffering from a substance abuse disorder who voluntarily seek treatment for that abuse; providing that those individuals have a qualified immunity from prosecution for possession or use of a controlled substance; and identifying those who are ineligible to participate in the program”; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for S. B. 311, Relating to court-ordered community service; 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. 90**), 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: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 311) passed.

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

Com. Sub. for S. B. 357, Authorizing Department of Revenue promulgate legislative rules; 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 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 357) passed.

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

On this question, the yeas and nays were taken (**Roll No. 92**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Anderson.

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. 357) 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. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate; 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. 93**), 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: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2967) 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. 4090, Creating the Oil and Gas Abandoned Well Plugging Fund; on third reading, coming up in regular order, was read a third time.

Delegate Paynter requested to be excused from voting on Com. Sub. for H. B. 4090 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. 94**), 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: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4090) 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. 4161, Making it illegal to scleral tattoo a person; 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 78, nays 21, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barnhart, Barrett, N. Brown, S. Brown, Butler, Cadle, Dean, Fluharty, Hicks, Hornbuckle, Howell, J. Jeffries, Kump, McGeehan, Paynter, Phillips, Pushkin, Sponaugle, Staggers, Walker and Wilson.

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4161) 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. 4356, Relating to the administration of anesthetics; on third reading, coming up in regular order, with an amendment pending, was reported by the Clerk.

In the absence of objection, the pending amendment offered by Delegates Skaff and Staggers on yesterday prior to the bill being postponed one day, was reformed as follows:

On page one, section fifteen, by striking out the first sentence of subsection (a), lines nine and ten, and inserting in lieu thereof the following:

“(a) 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 (1) who has been licensed to practice registered professional nursing under this article, and (2) 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.

(b) The administration of anesthesia may be provided by a certified registered nurse anesthetist in cooperation with an anesthesiologist, physician, or dentist. If no anesthesiologist is readily available for medical cooperation on anesthesia services, the administration of anesthesia may be provided by a certified registered nurse anesthetist, in cooperation with a physician or dentist.”

And,

On page one, line nineteen, by re-designating subsection (b) as subsection (c).

Subsequently, in the absence of objection, the amendment offered by Delegates Skaff and Staggers was again reformed as follows:

On page one, section fifteen, by striking out the first sentence of subsection (a) on lines nine and ten, and inserting in lieu thereof the following:

“(a) 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 (1) who has been licensed to practice registered professional nursing under this article, and (2) 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.

(b) The administration of anesthesia may be provided by a certified registered nurse anesthetist in cooperation with an

anesthesiologist. If no anesthesiologist is readily available for medical cooperation on anesthesia services, the administration of anesthesia may be provided by a certified registered nurse anesthetist, in cooperation with a physician or dentist.”

And,

On page one, line nineteen, by re-designating subsection (b) as subsection (c).

Delegate Wilson requested to be excused from voting on H. B. 4356 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.

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. 96**), and there were—yeas 64, nays 35, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bates, Bibby, Butler, Criss, Dean, Ellington, Foster, Graves, Hansen, Hardy, Higginbotham, Householder, Howell, Kessinger, Little, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miller, Pack, Paynter, Pethtel, Porterfield, Rodighiero, Rowe, Shott, Steele, Swartzmiller, Tomblin and Wilson.

Absent and Not Voting: Anderson.

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

Having been engrossed, the bill was then read a third time.

Delegate Wilson reiterated the request to be excused from voting on H. B. 4356 under the provisions of House Rule 49 and the Speaker informed the Delegate that the previous ruling

directing the Member to vote applied to amendments and the passage of the bill.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 97**), and there were—yeas 70, nays 29, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Azinger, Barrett, Bartlett, N. Brown, S. Brown, Butler, Cadle, Canestraro, Caputo, Criss, Diserio, Ellington, Estep-Burton, Foster, Hansen, Hartman, D. Kelly, Little, Longstreth, Miley, Pethtel, Shott, Skaff, Storch, Swartzmiller, Walker, Waxman and Williams.

Absent and Not Voting: Anderson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4356) 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. 4375, Speech-Language Pathologists and Audiologists Compact; 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. 98**), 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: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4375) 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. 4378, Relating to disciplining teachers; 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. 99**), 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: Anderson 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. 4378) 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. 4395, Removing the requirement that a veterinarian access and report to the controlled substance monitoring database; 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. 100**), 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: Anderson 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. 4395) passed.

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

Com. Sub. for H. B. 4395 - “A Bill to amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a veterinarian

monitor the controlled substance monitoring database; and updating the code to reflect previous changes.”

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

H. B. 4410, Permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected; on third reading, coming up in regular order, was read a third time.

Delegates Criss, Hartman, Hott, Nelson and Shott requested to be excused from voting on H. B. 4410 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. 101**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4410) 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. 4414, Relating to the selection of language and development milestones for the deaf and hard-of-hearing 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. 102**), 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: Anderson 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. 4414) 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. 4415, Relating to missing and endangered 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. 103**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Criss and Householder.

Absent and Not Voting: Anderson 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. 4415) 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. 4438, Relating to the licensing of advance deposit wagering; 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. 104**), and there were—yeas 71, nays 27,

absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Campbell, Cooper, Fast, Graves, Hott, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Mandt, C. Martin, P. Martin, Pack, Paynter, Porterfield, Rowan, Sypolt, Toney, Waxman and Worrell.

Absent and Not Voting: Anderson 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. 4438) 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:

Com. Sub. for H. B. 4438 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to licensing of advance deposit account 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; conferring jurisdiction to Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit account wagering in West Virginia unless conducted through an advance deposit account wagering licensee; exempting advance deposit account wagering from certain provisions of code; providing criminal penalties for accepting advance deposit account wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for regulatory fee; providing that all advance deposit account 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; and authorizing rulemaking and emergency rulemaking."

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

H. B. 4559, Modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor; 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 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Staggers.

Absent and Not Voting: Anderson and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4559) 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. 4352, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; on second reading, coming up in regular order was read a second time.

Delegate Foster moved to amend the bill on page seven, section two, line thirty-three, after the stricken number “ten thousand”, by striking out the number “5,000” and inserting in lieu thereof the number “3,000”.

And,

On page seven, section two, line fifty-one, after the stricken number “ten thousand”, by striking out the number “5,000” and inserting in lieu thereof the number “3,000”.

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. 106**), and there were—yeas 48, nays 50, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Little, Mandt, C. Martin, P. Martin, McGeehan, Pack, Phillips, Porterfield, Queen, Rowan, Rowe, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Anderson and Rodighiero.

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.

H. B. 4380, Updating the regulatory board review schedule; 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. 4509, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; 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. 46, Defining “pepper spray” and exempting from definition of “deadly weapons”,

Com. Sub. for S. B. 470, Relating to use of crossbow to hunt,

Com. Sub. for S. B. 487, Providing exception that all DNR payments be deposited within 24 hours,

Com. Sub. for S. B. 500, Relating to Class Y special crossbow hunting permit,

Com. Sub. for S. B. 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR,

Com. Sub. for H. B. 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls,

Com. Sub. for H. B. 4361, Relating to insurance law violations,

Com. Sub. for H. B. 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers,

Com. Sub. for H. B. 4453, Expanding the eligibility requirements for private investigator and security guard licensure,

H. B. 4466, Certificates of Insurance Act,

H. B. 4477, West Virginia Mutual to Mutual Insurance Holding Company Act,

H. B. 4502, Relating to insurance adjusters,

H. B. 4515, Relating to wildlife resources, eligibility for license or permit application,

H. B. 4585, Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect,

H. B. 4607, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services,

H. B. 4664, Clarifying the offense of driving under the influence of alcohol, controlled substances, or drugs,

And,

H. B. 4691, Relating to employment in areas of critical need in public education.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Anderson.

Miscellaneous Business

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

- Delegate Sponaugle for H. B. 2063
- Delegate Pack for H. B. 4494
- Delegate Nelson for H. B. 4665
- Delegate Rowan for H. B. 4591
- Delegate Porterfield for H. B. 4639
- Delegate Foster for H. B. 4639
- Delegate Steele for H. B. 4524

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

- Delegate Wilson for H. B. 4641
- Delegate Pyles for H. B. 4592

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

- Delegate Mandt regarding the death of his mother
- Delegate Capito during Remarks by Members
- Delegate Foster regarding the amendment offered to Com. Sub. for H. B. 4352
- Delegate Jennings during Remarks by Members
- Delegate J. Jeffries during Remarks by Members
- Delegate Wilson regarding H. B. 4356
- Delegate Walker during Remarks by Members
- Delegate Hornbuckle during Remarks by Members
- Delegate C. Thompson during Remarks by Members

At 2:00 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 6, 2020.

Thursday, February 6, 2020

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 5, 2020, 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. 4159, Relating to the manufacture and sale of hard cider,

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. 4159) 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. 4663, Eliminating certain payments to the Alcohol Beverage Control Commissioner from distilleries and mini-distilleries,

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. 4663) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 4626, West Virginia Development Achievements Transparency 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. 4626) 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. 4613, Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund,

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. 4613) was referred to the Committee on Finance.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4015, Relating to Broadband Enhancement and Expansion,

H. B. 4512, Creating a work permit driver's license program,
And,

H. B. 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4015, H. B. 4512 and H. B. 4522) were each referred to the Committee on the Judiciary.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly,

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. 2961) 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. 2897, Relating to driving restrictions in school zones,

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. 2897) was referred to the Committee on Education.

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

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

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

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. 4519) was referred to the Committee on Education.

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

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

H. B. 4449, Requiring state purchases of certain items to be made from authorized dealers 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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4449) was 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:

Com. Sub. for S. B. 364, Authorizing Department of Transportation promulgate legislative rules,

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

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. 4648, The Parenting Fairness Act of 2020,

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. 4648) was referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration:

H. B. 4069, West Virginia Student Religious Liberties Act,

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

Com. Sub. for H. B. 4069 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, and §18-33-8, all relating to creating the West Virginia Student Religious Liberties Act; providing that public school district shall not discriminate against a student’s religious viewpoint or religious expression; providing that students may express their beliefs about religion in homework, artwork and other written assignments without being penalized or rewarded; providing that students in public schools may pray or engage in religious activities or religious expression before, during or after the school day; requiring school districts to adopt and implement a policy substantially similar to the model policy set forth herein; setting forth parameters for student speakers at nongraduation events; setting forth parameters for speakers at graduation ceremonies; providing for disclaimers by school authorities; providing that the act may not require participation in religious activity or violate a person’s constitutional rights; ensuring that public schools may still maintain order and discipline, protect the safety of students, employees, and visitors of the public school, and adopt and enforce policies and procedures; and providing an effective date.”

With the recommendation that the committee substitute do pass.

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

By Delegates Ellington, Higginbotham, Dean, Hanna, Hornbuckle, Estep-Burton, Lavender-Bowe and C. Thompson:

H. B. 4735 – “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, related to the employment of at least one school nurse or licensed practical nurse, as appropriate, at every school.”

The Speaker referred the bill to the Committee on Finance.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 5, 2020, he approved **H. B. 4130**.

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. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with a title amendment, a bill of the House of Delegates, as follows:

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

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

H. B. 4393 - "A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to creating the criminal offenses of suffocation and asphyxiation; and establishing criminal penalties therefor."

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. 107**), 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: Jennings.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4393) 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

Com. Sub. for S. B. 190 - “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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 300 - “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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 308 - “A Bill to amend and reenact §55-7J-6 of the Code of West Virginia, 1931, as amended, relating to creating criminal penalties for violation of orders issued for the protection of victims of financial exploitation; and establishing criminal penalties”; which was referred to the Committee on Senior, Children, and Family Issues 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. 316 - “A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to membership of the Oil and Gas Conservation Commission; and revising qualifications of appointed public member and of appointed member who serves as chair of commission”; which was referred to the Committee on Energy.

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. 544 - “A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy, the Board of Medicine, and the Board of Osteopathic Medicine to propose joint rules to permit a licensed pharmacist and a pharmacy intern to administer vaccines in accordance with the Center for Disease Control and Prevention’s latest definitive treatment guidelines promulgated by the U.S. Department of Health and Human Resources, Centers for Disease Control and Prevention (CDC); and requiring that such joint rules shall permit a licensed pharmacist or pharmacy intern to administer immunizations in accordance with the latest definitive treatment guidelines promulgated by the CDC guidelines”; which was referred to the Committee on Health and Human Resources.

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. 551 - “A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-4g, all relating generally to the Water and Wastewater Investment and

Infrastructure Improvement Act to encourage investment in water and wastewater utilities; describing and expanding permissible uses for proceeds of a sale or lease of a municipal utility; making legislative findings on the valuation of utility assets in the context of certain utility acquisitions and the combination or allocation of water and wastewater revenue requirements; making legislative findings on the valuation of utility assets in the context of an acquisition; establishing a range within which a post-acquisition rate-base addition is to be established; providing for ancillary approvals; specifying preliminary agreements and commitments not requiring prior approval; authorizing the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers where a utility provides both water and wastewater service, and where the combination or allocation is reasonable and results in water and wastewater rates that are just and reasonable and based primarily on the cost of providing service; and setting forth defined terms”; 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. 560 - “A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 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, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national Medication Aide Certification Examination procedures;

establishing eligibility criteria; establishing requirements for AMAP to administer medication; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting”; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Delegates Pushkin, Rowe, Estep-Burton, Byrd, Robinson, 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. 64 - “Requesting the Division of Highways name bridge number 20-015/02-000.01 (20A851), (38.33033, -81.69786) locally known as Davis Creek WYE BRIDGE, carrying CR 15/2 over Davis Creek in Kanawha County, the ‘U. S. Army SP5 Benny Ray Snodgrass Memorial Bridge’.”

Whereas, Benny Ray Snodgrass was born January 10, 1940, in Charleston, Kanawha County, West Virginia, to parents Benjamin and Tina Hager Snodgrass; and

Whereas, Benny Ray Snodgrass attended public schools in the Charleston area before enlisting in the United States Army in 1963; and

Whereas, Benny Ray Snodgrass served his country and completed a tour of duty in Vietnam at which time he was exposed to the toxic chemical, “agent orange”. During his military service, the Vietnam veteran was awarded expert medals for carbine and M14 Rifle, Sharpshooter medal with M1 Rifle, Vietnam Service Medal, National Defense Service Medal, Driver and Mechanic Badge with Bar and Good Conduct Medal; and

Whereas, Benny Ray Snodgrass and his wife, Carolyn Byrd Snodgrass, raised their children to respect their country and its flag; and

Whereas, Benny Ray Snodgrass was a lifelong, proud member of the Teamsters Union as an over-the-road truck driver; and in retirement, the veteran became an avid golfer; and

Whereas, Benny Ray Snodgrass died March 12, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SP5 Benny Ray Snodgrass 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 20-015/02-000.01 (20A851), (38.33033, - 81.69786) locally known as Davis Creek WYE BRIDGE, carrying CR 15/2 over Davis Creek in Kanawha County, the “U. S. Army SP5 Benny Ray Snodgrass Memorial Bridge”; and be it

Further Resolved, That the Division of Highways is hereby requested to erect signs in bold and prominent letters identifying the bridge as the “U. S. Army SP5 Benny Ray Snodgrass 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 Maynard, Linville, Worrell, Lovejoy, Mandt, J. Jeffries and Rohrbach 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 bridge number 22-037/00-004.35 (22A059), (38.10346, - 82.17775) locally known as East Fork Bridge, carrying WV 37 over East Fork in Lincoln County, the ‘U. S. Army TEC5 Donald “Tiny” Lucas Memorial Bridge’.”

Whereas, U. S. Army Technician Fifth Grade Donald “Tiny” Lucas was born on October 16, 1923, and passed away on June 4, 2009; and

Whereas, Technician Lucas served in the United States Army, attained the rank of Technician Fifth Grade, and was honorably discharged on January 28, 1946; and

Whereas, Technician Lucas owned a grocery store in Ranger, and after his death it was determined that over the years he had given thousands of dollars’ worth of food to residents and customers in Ranger; and

Whereas, It is fitting that an enduring memorial be established to commemorate Technician Lucas and his contributions 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 22-037/00-004.35 (22A059), (38.10346, -82.17775) locally known as East Fork Bridge, carrying WV 37 over East Fork in Lincoln County, the “U. S. Army TEC5 Donald ‘Tiny’ Lucas Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold letters identifying the bridge as the “U. S. Army TEC5 Donald ‘Tiny’ Lucas 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 Bartlett, Graves, D. Jeffries, Butler 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. 66 - “Requesting the Division of Highways name bridge number 20-21-1.39 (20A884) (38.39324, -81.65749), locally known as Kanawha Two Mile Bridge, carrying CR 21 over

Kanawha Two Mile Creek in Kanawha County, the ‘U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge’.”

Whereas, Joseph W. McCutcheon was born August 26, 1911, the son of Ardena and Ernest McCutcheon and was a lifelong resident of Kanawha County, growing up as a child on Falcon Drive, Charleston, West Virginia. He enlisted in the U. S. Army February 23, 1944, as an infantryman and saw action in Ardennes, Rhineland and Central Europe. Among his decorations and citations were the EAMA Campaign Ribbon with three bronze stars; and

Whereas, Sgt. Joseph W. McCutcheon, after his discharge from service on April 16, 1946, married Virginia Hayzlett. They had six children and lived near Sissonville Drive, within 300 yards of the bridge over Kanawha Two Mile Creek; and

Whereas, U. S. Army Sgt. Joseph W. McCutcheon passed away on February 21, 1963, having served his country, state, and community faithfully; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Sgt. Joseph W. McCutcheon 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: 20-21-1.39 (20A884) (38.39324, -81.65749), locally known as Kanawha Two Mile Bridge, carrying CR 21 over Kanawha Two Mile Creek in Kanawha County, the “U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge”; and, be it

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

And,

Delegates Sponaugle, Skaff, Hott, Rowan, Criss, Householder, Hartman, C. Thompson, Boggs, Byrd 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. 67 - “Requesting the Division of Highways name bridge number 16-048/00-008.59 (16A143), locally known as U. S. 220 Overpass Bridge, carrying U. S. 48 over U. S. 220 in Hardy County, West Virginia, the ‘First Lieutenant Fred Omar Pratt Memorial Bridge’.”

Whereas, First Lieutenant Fred Omar Pratt was born on August 17, 1941, the son of Edwin M. Pratt, Sr. and Vern Hose Pratt of Moorefield in Hardy County; and

Whereas, On October 13, 1958, Pratt enlisted in the U.S. Army and served tours of duty in Japan, Korea, and Vietnam and was a distinguished graduate of the Airborne School and served as a Ranger in the 101st Airborne Division in Vietnam during 1962. That same year, Pratt volunteered for Special Forces and returned to the United States for further training. After winning the Green Beret, he was appointed to attend Officers’ Candidate School in Fort Benning, Georgia. There, he was elected to the honored position of Council of President of the Battalion and was named distinguished graduate of his class; and

Whereas, First Lieutenant Fred Omar Pratt attended the U.S. Army’s Rotary Wing Flight School and returned to Vietnam in June 1968. He served as a C Model Gun Ship Pilot in the 155th Assault Helicopter Company. On August 23, 1968, Pratt distinguished himself by exceptionally valorous actions while serving as pilot of a UH-1 Huey helicopter gunship supporting friendly Special Forces and MACV compounds in the vicinity of DucLop South Vietnam that were under attack by an enemy regiment. During the battle, First Lieutenant Pratt observed a tree line in which large enemy forces had concentrated and began to attack the enemy force; and

Whereas, In the course of combat on August 23, 1968, First Lieutenant Fred Omar Pratt's aircraft sustained numerous hits from anti-aircraft fire and was downed. Under heavy mortar and automatic weapons fire and being injured in the arm and back himself, Pratt tended to his seriously injured crew chief and exposed himself to enemy fire to summon aid for his crew. Upon reaching a secure area, Pratt continued to give aid to his injured crew chief while refusing treatment for himself; and

Whereas, On August 26, 1968, First Lieutenant Fred Omar Pratt insisted on returning to battle in light of dire circumstances and aggressive actions by NVA forces whereby the enemy had captured half the camp. Upon arrival in the area of aggression, Pratt took actions against a large enemy force drawing heavy fire. During this engagement, he was fatally wounded. His co-pilot returned the heavily damaged gunship to the 155th AHC at Ban Me Thuot; and

Whereas, For his gallant and courageous efforts, First Lieutenant Fred Omar Pratt was awarded the Silver Star for gallantry in action (Posthumous), the Distinguished Flying Cross for heroism (Posthumous), the Air Medal with Seven Oak Leaf Clusters, the Purple Heart (twice), the National Defense Service medal, the Vietnam Service Medal, the Republic of Vietnam Campaign Medal, two of the highest awards for bravery awarded by Vietnamese government; and

Whereas, In June of 1974, the U.S. Army dedicated the Flight Simulator Building, Building 4901, at the U.S. Army Aviation School at Fort Rucker, Alabama as "Pratt Hall" in his honor. This building houses the most sophisticated flight simulator systems used to train Army Aviators; and

Whereas, First Lieutenant Fred Omar Pratt left behind a loving wife, three young sons as well as his beloved brothers and sisters and many other family members and friends. Those who served with him were proud to do so, and one comrade stated that: "we wish for him a peaceful eternal rest and those who remember and mourn his sacrifice are mindful of his duty and service in fighting for and protecting the freedoms that we enjoy today"; and

Whereas, Many in the Moorefield, West Virginia community today still remember the young man who went off to serve his country and did not return; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 16-048/00-008.59 (16A143), locally known as U. S. 220 Overpass Bridge, carrying U. S. 48 over U. S. 220 in Hardy County, West Virginia, the “First Lieutenant Fred Omar Pratt Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying bridge number 16-048/00-008.59 (16A143), locally known as US 220 Overpass Bridge, as “First Lieutenant Fred Omar Pratt Memorial Bridge”; and, be it

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

Motions

Delegate Bates moved, under the provisions of House Rule 82, to discharge **H. B. 4368**, Relating to the Medical Cannabis Act, from the Committee on Health and Human Resources.

Delegate Summers moved that the motion to discharge be laid upon the table.

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. 108**), and there were—yeas 54, nays 44, 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, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks,

Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams, Wilson and Zukoff.

Absent and Not Voting: Jennings and Nelson.

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 Delegates Miley, Barrett, Bates, Hornbuckle and Worrell:

H. B. 4712 - “A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-1-1 of said code; and to amend and reenact §18-5-1 and 18-5-1b of said code, all relating to consolidating the 55 county school boards into 10 district school boards; redefining terms ‘county school board’ or ‘school district board’ and ‘county superintendent’; abolishing county school district boards of education by July 1, 2025; establishing school district boards of education; providing requirements for the application of rules; requiring a transition plan by December 1, 2020; and establishing membership for school district boards of education”; to the Committee on Education then Finance.

By Delegates Graves, J. Jeffries, Hanna, D. Jeffries, McGeehan, Phillips, Howell, Cowles and Miley:

H. B. 4713 - “A Bill to amend and reenact §8-6-4a and §8-6-5 of the Code of West Virginia, 1931, as amended, all relating to annexation by minor boundary adjustment; clarifying language regarding entry of order by county commission following annexation of property within urban growth boundary by minor boundary adjustment; requiring that municipality as part of application provide affidavit that persons, businesses, and

freeholders in additional territory consent to inclusion in annexation; providing procedure when affected party is unavailable to provide affidavit; requiring county commission to enter order denying application for minor boundary adjustment annexation upon determination that annexation could be efficiently and cost effectively accomplished under other provisions of said code, that application lacks evidence of consent of all affected parties, or is otherwise insufficient; and prohibiting municipality from applying for annexation by minor boundary adjustment for two years after denial of application”; to the Committee on the Judiciary.

By Delegates Howell, C. Martin and Ellington:

H. B. 4714 - “A Bill to amend and reenact §29-19-6 of the Code of West Virginia, 1931, as amended, relating to increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization to be consistent with the United States Internal Revenue Service and other states”; to the Committee on Government Organization.

By Delegates Capito, Nelson, Byrd, Robinson, Pushkin, Estep-Burton, Rowe, Skaff, Bartlett and D. Jeffries:

H. B. 4715 - “A Bill to amend and reenact §8-14-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-15-1 of said code, all relating to authorizing municipalities to take action to grant certain fire department employees limited power of arrest and investigation; allowing those persons to make arrests and obtain arrest warrants in certain circumstances; and requiring those persons to complete an initial and annual training”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Rohrbach:

H. B. 4716 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4, and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Shott, Kump, Fleischauer and Wilson:

H. B. 4717 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-7-708, relating to the monitoring and reporting of seizures, forfeitures, and the use of forfeiture proceeds; defining a term; setting forth requirements; requiring audits; exempting data reports from the West Virginia Freedom of Information Act; authorizing rulemaking; and setting an effective date”; to the Committee on the Judiciary.

By Delegates Howell, Higginbotham, Graves, P. Martin, Dean, Maynard and Ellington:

H. B. 4718 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §2-4-1, §2-4-2, and §2-4-3, all relating to establishing a policy for formal recognition of Indian tribes”; to the Committee on Government Organization then the Judiciary.

By Delegates Campbell, Cooper, Dean, R. Thompson, Evans, Toney, C. Thompson and Lavender-Bowe:

H. B. 4719 - “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 160 days”; to the Committee on Education then Finance.

By Delegates Higginbotham, Hanna, C. Thompson, Barnhart and Zukoff:

H. B. 4720 - “A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 of said code, all relating to qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the West Virginia Invests Grant Program”; to the Committee on Education.

By Delegates Pushkin, S. Brown, Wilson and Worrell:

H. B. 4721 - “A Bill to repeal §60A-7-704, §60A-7-705a, §60A-7-706, and §60A-7-707, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60A-7-702a; to amend and reenact §60A-7-703 of said

code; to amend said code by adding thereto two new sections, designated §60A-7-703a and §60A-7-703b; to amend and reenact §60A-7-705 of said code; and to amend said code by adding thereto nine new sections, designated §60A-7-708, §60A-7-709, §60A-7-710, §60A-7-711, §60A-7-712, §60A-7-713, §60A-7-714, §60A-7-715 and §60A-7-716, all relating generally to forfeiture of contraband; establishing criminal forfeiture and the items and property subject to forfeiture; setting forth additional procedures for forfeiture; establishing dates; permitting a court to waive a conviction requirement; protecting innocent owners; permitting seizure of personal property with and without process; providing that there are no additional remedies and no joint and severable liability; establishing title; setting forth the disposition of forfeited property and proceeds; establishing prohibition on retaining property; establishing sales restrictions, return of property, damages, and costs; permitting the transfer of forfeited property to the federal government; providing for preemption; and defining terms”; to the Committee on the Judiciary.

By Delegates Cadle, Mandt, Phillips, Hott, Butler, Fast, J. Jeffries, Toney, D. Kelly, Jennings and Staggers:

H. B. 4722 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-14a, relating to creation of the ‘West Virginia Emergency Contact Information Registry’ for the purpose of providing contact information in case of an emergency”; to the Committee on the Judiciary.

By Delegates Hill and Pack:

H. B. 4723 - “A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to including behavioral analysis coursework within eligibility for the Health Sciences Service Program for student loans”; to the Committee on Health and Human Resources then Finance.

By Delegates Skaff, Ellington, Barrett, Lavender-Bowe, Zukoff, C. Thompson, Dean, Higginbotham, Estep-Burton, Hornbuckle and Robinson:

H. B. 4724 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-

26, relating to a tax credit for any new teacher who remains in the state and works as a teacher five years after graduation”; to the Committee on Education then Finance.

By Delegate Higginbotham:

H. B. 4725 - “A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to requiring motor vehicle inspections only every three years and exempting certain vehicles from such inspections”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Espinosa:

H. B. 4726 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-18-1, §55-18-2, §55-18-3, §55-18-4, §55-18-5 and §55-18-6, all relating to creating the West Virginia Public Participation Protection Act; permitting motions to dismiss suits that are based on an alleged right of petition, free speech, or association under the United States Constitution or the Constitution of West Virginia in connection with a public issue; providing exceptions to which this procedure is applicable; hearings on such motions; award of attorney fees; appeal; and effective date”; to the Committee on the Judiciary.

By Delegates Howell, Hott, C. Martin and Hanna:

H. B. 4727 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-3-26, relating to permitting mini-distilleries to import produce in excess of established limits if they are unable to obtain 75 percent of the raw agricultural products necessary to produce its alcoholic liquor”; to the Committee on the Judiciary.

By Delegates Howell, Hott and C. Martin:

H. B. 4728 - “A Bill to amend and reenact §60-1-5b of the Code of West Virginia, 1931, as amended, relating to mini-distilleries sources of raw agricultural products”; to the Committee on the Judiciary.

By Delegates Linville, Ellington, Summers, Higginbotham, Barnhart, Maynard, Graves, Foster, McGeehan, Hanna and Pack:

H. B. 4729 - “A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to requiring

previous version or edition of a textbook, unless governing board of an institution of higher learning approves need for most recent version or edition”; to the Committee on Education.

By Delegate Linville:

H. B. 4730 - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-23 of said code, all relating to special license plates for vehicles titled in the name of the Division of Public Transit or purchased by the Division of Public Transit for public use; and exempting those vehicles from motor vehicle sales tax”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Pushkin and Rowe:

H. B. 4731 - “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 the Judiciary.

By Delegates Caputo, Sponaugle, Boggs, Swartzmiller, Paynter, Robinson, Williams, Lovejoy, Criss, Rohrbach and Miller:

H. B. 4732 - “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; and providing pay for off-duty time when they are required to be on standby to be called back to work”; to the Committee on Finance.

By Delegate Bates:

H. B. 4733 - “A Bill to amend and reenact §5B-2E-11 of the Code of West Virginia, 1931, as amended, relating to extending tax credits for certain tourism development and expansion projects authorized under the West Virginia Tourism Development Act; and limiting eligibility”; to the Committee on Finance.

By Delegates Hill and Pack:

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

criminal penalties; repealing expired authority; and updating references”; to the Committee on Health and Human Resources then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4352, Removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; 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 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Jennings and Nelson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4352) 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. 4380, Updating the regulatory board review schedule; 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 74, nays 25, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fluharty, Hansen, Hicks, Hornbuckle, Longstreth, Lovejoy, Miley, Miller, Pushkin, Robinson, Rowe, Sponaugle, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Jennings.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4380) 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. 4509, Transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; 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 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Jennings.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4509) 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. 46, Defining “pepper spray” and exempting from definition of “deadly weapons”; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 470, Relating to use of crossbow to hunt; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 487, Providing exception that all DNR payments be deposited within 24 hours; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 500, Relating to Class Y special crossbow hunting permit; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Agriculture and Natural Resources, was reported by the Clerk and adopted, amending the bill on page one, section forty-two-w, line four, after the semicolon, by inserting the word “or”.

The bill was then ordered to third reading.

Com. Sub. for S. B. 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Agriculture and Natural Resources, was reported by the Clerk and adopted, amending the bill on page two, section three, line thirty-two, after the word “of”, by striking out the words “approximately sixty and fifty-seven one-hundredths miles of”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls; 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. 4361, Relating to insurance law 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. 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers; 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. 4453, Expanding the eligibility requirements for private investigator and security guard licensure; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4466, Certificates of Insurance Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4477, West Virginia Mutual to Mutual Insurance Holding Company Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4502, Relating to insurance adjusters; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4515, Relating to wildlife resources, eligibility for license or permit application; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4585, Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4607, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4664, Clarifying the offense of driving under the influence of alcohol, controlled substances, or drugs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4691, Relating to employment in areas of critical need in public education; on second reading, coming up in regular order, was reported by the Clerk.

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

First Reading

S. B. 321, Relating to collection of tax and priority of distribution of estate or property in receivership; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for S. B. 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 2527, Relating to forgery and other crimes concerning lottery tickets; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4003, Relating to telehealth insurance requirements; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4061, Health Benefit Plan Network Access and Adequacy Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4455, Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure; on first reading, coming up in regular order, was reported by the Clerk.

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

H. B. 4524, Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption; on first

reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4582, Declaring certain claims against agencies of the state to be moral obligations of the state; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4611, Relating to fireworks; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4618, Relating to deadly weapons for sale or hire; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Jennings.

Delegate Bates moved, under the provisions of House Rule 61, that the motion to discharge **H. B. 4368**, Relating to the Medical Cannabis Act, from the Committee on Health and Human Resources, be taken from the table.

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. 112**), and there were—yeas 44, nays 55, 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, 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, Walker, Williams, Wilson and Zukoff.

Absent and Not Voting: Jennings.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

Miscellaneous Business

Delegate Nelson noted to the Clerk that he was absent when the votes were taken on Roll Nos. 109 and 110, and had he been present, he would have voted “Yea” thereon.

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

- Delegate Pack during Remarks by Members
- Delegate Angelucci during Remarks by Members
- Delegate McGeehan during Remarks by Members
- Delegate Caputo during Remarks by Members
- Delegate D. Kelly during Remarks by Members
- Delegate Bates during Remarks by Members

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

- Delegate Kump for H. B. 4522
- Delegate Cadle for H. B. 4088
- Delegate Espinosa for H. B. 4562

- Delegate Porterfield for H. B. 4512 and H. B. 4522
- Delegates Foster and Rowe for H. B. 4512
- Delegates Hanna and J. Jeffries for H. B. 4712
- Delegate Estep-Burton for H. B. 4189
- Delegate Pyles for H. B. 4684 and H. B. 4687
- Delegate Hansen for H. B. 4626

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

- Delegate S. Brown for H. B. 2732

At 12:32 p.m., the House of Delegates adjourned until 10:30 a.m., Friday, February 7, 2020.

Friday, February 7, 2020

THIRTY-FIRST DAY

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

The House of Delegates met at 10:30 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 6, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 46, Com. Sub. for S. B. 470, Com. Sub. for S. B. 487, Com. Sub. for S. B. 500 and Com. Sub. for S. B. 501, on Third Reading, Special Calendar, had been transferred to the House Calendar; and S. B. 321, Com. Sub. for S. B. 532 and H. B. 4524, on Second Reading, Special Calendar, had been transferred to the House Calendar.

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. 4478, Creating a lifetime ban for commercial drivers involved in human trafficking,

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

Com. Sub. for H. B. 4478 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-14b, relating to prohibiting a commercial driver who has used a commercial motor vehicle in a commission of a felony involving ‘severe forms of trafficking in persons’ from holding a commercial driver’s license for life,”

And,

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

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

Com. Sub. for H. B. 4576 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-11, relating to establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; providing definitions; establishing that obvious description errors in a recorded deed, deed of trust or mortgage involving the transfer of interest in real property may be corrected by recorded affidavit; requiring that the correction of an obvious description error may not be inconsistent with the recorded property description; establishing that prior to recording a corrective affidavit all interested parties must be notified of the intent to record a corrective affidavit and the right of each party to object; requiring that notice to correct an obvious error, and a copy of the accompanying affidavit must be provided to any owner of adjoining property, each party to the deed, deed of trust or mortgage, and the address for the property needing correction; if a local entity is a party, notice shall be sent to the attorney for the local entity or the local entity; if the state is a party, notice shall be served upon the Attorney General and the state agency that has or had possession of the property; establishing that if there is no objection within 30 days of service upon all designated parties to the deed, pertinent attorneys, the title insurance company and adjoining property owners, the corrective affidavit may be recorded; establishes the contents of the corrective affidavit; establishes the effect of the corrective affidavit once filed; requires

a title insurance company to issue an endorsement to reflect the corrective affidavit; requires the clerk to record and index the corrective affidavit in the deed book; establishes that a recorded affidavit is prima facie evidence of the facts stated therein; requires associated costs be paid by the recording party; provides that a person who wrongfully records a corrective deed is liable for actual damage, reasonable costs, and attorney fees; provides that remedies under this section are not exclusive; and provides a format for the corrective affidavit and notice of an intent to correct an obvious description error.”

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

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

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

And,

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

And reports the same back with the recommendation that they each 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. 4652, Relating to tobacco usage restrictions,

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, and then to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4652) was referred to the Committee on Health and Human Resources then 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. 4710, Authorizing law-enforcement agencies to create a referral program for voluntary treatment of addiction,

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. 4710) was referred to the Committee on the Judiciary.

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

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

H. B. 4583, Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting 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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 4583) was referred to the Committee on Government Organization.

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

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

H. B. 2978, Improving the quality of West Virginia's Medicaid 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 Finance.

Pursuant to House Rule 80, the Speaker referred the bill (H. B. 2978) to the Committee on Finance.

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

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

H. B. 4551, Relating to subsidized adoption,

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. 4551) to the Committee on Finance was abrogated.

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

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

H. B. 4573, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

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. 4573) was referred to the Committee on the Judiciary.

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

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

H. B. 4669, Exempting participants in the Jobs and Hope program from Medicaid forfeiture for one year after certain conditions are met,

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. 4669) 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. 4544, Relating to possession of any controlled substance on the premises of or within 200 feet of a public library,

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

Com. Sub. for H. B. 4544 - "A Bill to amend and reenact §60A-4-406 of the Code of West Virginia, 1931, as amended, applying a mandatory period of incarceration prior to parole eligibility for persons 18 years old or over who are convicted of distributing a controlled substance within 200 feet of a public library,"

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, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one, section twelve, line three, after the words “*et seq.*”, by inserting the words “or §29A-3A-1 *et seq.*”.

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. 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: Ellington, Estep-Burton, Hicks and Hornbuckle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4042) 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. 482 - “A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person over 21 years of age must possess a valid permit to possess a concealed handgun in a motor vehicle

in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school”; 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. 620 - “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates; authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate’s failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program”; 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. 625 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-7-8b, relating to creating one-day annual license for a licensed private club in partnership with a nonprofit permitting the charitable auction of sealed rare, antique, or vintage liquor bottles; setting license fee; establishing license requirements; and providing certain limited exceptions”; 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. 629 - “A Bill to amend and reenact §60-8-2, §60-8-18, and §60-8-29 of the Code of West Virginia, 1931, as amended, all relating to clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of ‘nonfortified dessert wine’; clarifying penalties for failure to meet requirements; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries who are acting as either suppliers or distributors in a limited capacity with an affidavit; and providing penalties for failure to pay taxes and maintain good standing with the state”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

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. 68 - “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’.”

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 Veterans 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 “Kidd Brothers 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.

Delegates C. Martin, Rowan, Bibby, J. Jeffries, Hanna, P. Martin, Howell, Phillips, Worrell and Fast offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 69 - “Requesting the Division of Highways name bridge number 49-016/00-002.95 (49A038), (38.93283, -80.15943) locally known as Sand Run Slab No. 2, carrying CR 16 over Sand Run in Upshur County, the ‘U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge’.”

Whereas, Senior Airman Luke Christopher Wamsley was born September 28, 1986, in Buckhannon, West Virginia, son of Dion Wamsley, a resident of Buckhannon, West Virginia, and Janice Wamsley Rollins, now a resident of Burlington, Vermont. He graduated from Spaulding High School in Barre, Vermont, where he later became a substitute teacher. He was a 2009 graduate at Lackland Air Force Base in San Antonio, Texas, and served in Afghanistan in 2013. Luke received 12 federal medals, including the Air Force Achievement Medal, Meritorious Unit Award, Air Force Outstanding Unit Award and Afghanistan Campaign Medal. He also received four state medals; and

Whereas, Luke worked as a senior airman for the Green Mountain Boys, Vermont National Air Guard where he served as a CE electrician, from 2009 until the time of his death on

September 23, 2015, while on duty in the Vermont National Air Guard; and

Whereas, It is fitting that an enduring memorial be established to commemorate Senior Airman Luke Christopher Wamsley, a true son of West Virginia, 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 49-016/00-002.95 (49A038), (38.93283, -80.15943) locally known as Sand Run Slab No. 2, carrying CR 16 over Sand Run in Upshur County, the “U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs in bold and prominent letters identifying the bridge as the “U. S. Air Force Senior Airman Luke Christopher Wamsley 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 Atkinson, Westfall and J. Kelly offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 70 - “Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the ‘U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway’.”

Whereas, Albert J. Sutphin was born on July 7, 1920, in Spencer, West Virginia, the son of Albert Lee Sutphin and Lillie Frances Nelson Sutphin; and

Whereas, Following high school, Albert J. Sutphin married Doris Pauline Morehead Sutphin, had two children, Laura June and Joseph Lee Sutphin, and was employed as a welder; and

Whereas, Albert J. Sutphin enlisted in the United States Army on April 13, 1943, in Huntington, West Virginia; and

Whereas, Albert J. Sutphin served as a Private, 32nd Photographic Squadron, 5th Reconnaissance Group, U.S. Army Air Force during World War II; and

Whereas, Albert J. Sutphin was a passenger on the S.S. Paul Hamilton (Hull Number 227) for her fifth voyage that left from Hampton Roads, Virginia on April 2, 1944, as part of convoy UGS 38, carrying supplies and the ground personnel of the 485th Bombardment Group and the 5th Reconnaissance Group of the United States Army Air Forces to Italy; and

Whereas, On the evening of April 20, 1944, the S.S. Paul Hamilton and other ships in the convoy were attacked 30 miles (48 km) in the Mediterranean Sea off the coast of Cape Bengut near Algiers by 23 German Ju 88 Bombers; and

Whereas, A single aerial torpedo struck the S.S. Paul Hamilton and detonated the cargo of high explosives and bombs, and the ship and crew disappeared within 30 seconds, with a total of approximately 580 men lost at sea; and

Whereas, Albert J. Sutphin was declared “Missing in Action” in the sinking of the Paul Hamilton during World War II, and was awarded the Purple Heart, Service Number 35657888; and

Whereas, The U.S.S. Landsdale (DD-426) and the S.S. Royal Star were also sunk in the April 20, 1944, attack, with an additional loss of approximately 47 men, and the Landsdale received four battle stars for World War II service; and

Whereas, It is fitting that an enduring memorial be established to commemorate Private Albert J. Sutphin and his contributions to our nation and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the “U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying a 1.7 mile stretch highway, beginning at the intersection of Route 20/1 and County Route 20, as the “U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway”; and, be it

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

And,

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 71 - “Urging Congress to recognize June 19 as ‘Juneteenth National Freedom Day’ as a national holiday.”

Whereas, An historical event occurred in 1865 in Galveston, Texas, when on June 19, 1865, Union General Granger proclaimed to all slaves in the south word of the Emancipation Proclamation by President Abraham Lincoln. For approximately 155 years since that date African Americans together with peoples of many nations, colors and creeds and have made this one of the most important events and celebrations of the year; and

Whereas, Americans of all colors, creeds, cultures, religions, and countries-of-origin, share in a common love of and respect for “freedom”, as well as a determination to protect their right to freedom through democratic institutions, by which the “tenets-of-freedom” are guaranteed and protected. The “19th of June” or Juneteenth Independence Day, along with the “4th of July”, completes the “cycle of freedom” for America’s Independence Day

observances. “Until All are Free, None are Free” is an oft repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is hereby urged to recognize June 19 as “Juneteenth National Freedom Day” as a national holiday; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and to the West Virginia members of Congress.

Bills Introduced

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

By Delegates Pack, Cooper, Steele, Higginbotham, Graves, Bates, Hill and Summers:

H. B. 4736 - “A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to qualifications for a commercial driver’s license permit; providing that a commercial driver’s license instruction permit may be issued to persons enrolled in a vocational program that requires a commercial driver’s license and the person will turn 18 years of age before completing the vocational program”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rowan:

H. B. 4737 - “A Bill to amend and reenact §18C-1-1 of the Code of West Virginia, 1931, as amended, relating to the qualifications for state financial aid”; to the Committee on Education.

By Delegate Rowe:

H. B. 4738 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m; and amending 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 Westfall:

H. B. 4739 - “A Bill to amend and reenact §33-51-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-51A-1, §33-51A-2, §33-51A-3, §33-51A-4, and §33-51A-5, all relating to the regulation of pharmacy services administrative organizations”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Rowe:

H. B. 4740 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-1, §49-9-2, and §49-9-3, all relating to designation of social workers in the Department of Health and Human Services to promote better student school attendance and performance, and the health and well-being of students at home; duties described”; to the Committee on Education then Finance.

By Delegate Ellington:

H. B. 4741 - “A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to reducing the motor fuel excise tax”; to the Committee on Finance.

By Delegates Hansen, Pushkin, Walker, Hornbuckle and Doyle:

H. B. 4742 - “A Bill to amend the Code of West Virginia by adding thereto a new article designated §3-3C-1, §3-3C-2, §3-3C-3, §3-3C-4, §3-3C-5, §3-3C-6, §3-3C-7, §3-3C-8, §3-3C-9, §3-3C-10, §3-3C-11, §3-3C-12, §3-3C-13, §3-3C-14, §3-3C-15, §3-3C-16, §3-3C-17, §3-3C-18, §3-3C-19, §3-3C-20, §3-3C-21, and §3-3C-22, all relating to establishing a vote by mail program for the state”; to the Committee on Government Organization then the Judiciary.

By Delegate Rowe:

H. B. 4743 - “A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Wilson, Howell, Sypolt, Canestraro, Kump, Criss, Storch, Butler, Maynard, Hardy and Linville:

H. B. 4744 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the West Virginia Commissioner of Highways; and requiring district roads and highways in a district to be in compliance with state code and federal standards and that the projected date of completion of any other construction projects in that district has occurred before new construction may begin in that district”; to the Committee on Government Organization.

By Delegates Campbell and Pack:

H. B. 4745 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to replacing minimum minutes of instructional time required per day with a requirement for an average of five hours per day throughout the instructional term; prohibiting the instructional term from commencing before September 1; and allowing county boards of education to provide public notice of public hearings for discussing the school calendar by publishing prominently on the board’s website instead of publishing in a local newspaper of general circulation in the area”; to the Committee on Education.

By Delegates Fleischauer, Rowe, Rohrbach, Evans, Butler, Hansen, Walker, Linville, Angelucci, Caputo and Zukoff:

H. B. 4746 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17A-2-26 and §17A-2-27; and to amend and reenact §30-29-5 of said code, all relating to establishing a registry of persons with a communication disability, developing a form to use to include persons in this registry and requiring that the communication disability provisions be included in law-enforcement training and certification”; to the Committee on Government Organization.

By Delegates Howell and C. Martin:

H. B. 4747 - “A Bill to amend and reenact §29-19-2, §29-19-5, §29-19-6, and §29-19-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-18-1, §30-18-3, §30-18-6, and §30-18-10 of said code; to amend and reenact §39-4A-2 of said code; and to amend and reenact §47-2-1 and §47-2-3, all relating generally to extending current laws allowing electronic submission of applications and forms to the Secretary of State’s Office relating to licensure or regulation charities, nonprofit organizations, private investigators and firms, security guards and firms, out-of-state commissioners, and trademarks; providing new definitions for the term ‘sign’ and ‘signature’ relating to applications or forms in the foregoing regulated industries; providing for more efficient application processes in the foregoing regulated industries; and technical typographical changes to distinguish the Secretary of State from an entity’s secretary or administrative assistant”; to the Committee on Government Organization.

By Delegates Howell and C. Martin:

H. B. 4748 - “A Bill to amend and reenact §39-4-23 and §39-4-30 of the Code of West Virginia, 1931, as amended, all relating to the increase of fees that private nongovernment notary publics may charge for notarial acts; clarifying the appropriate manner of advertising for non-government notarial services; and providing the proper manner and content of the required disclaimer to notarial customers by private notary publics, which disclaimer clearly notifies notary customers that nonattorney notary publics are not permitted to provide legal services including document drafting,

document review, or legal advice”; to the Committee on Government Organization then the Judiciary.

By Delegates Howell and C. Martin:

H. B. 4749 - “A Bill to amend and reenact §30-18-3, §30-18-6, §30-18-9, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to providing more efficient application processes for private investigators, security guards, and firms; removing unnecessary requirements for each private investigator and security guard applicant to submit fingerprints and photographs of each applicant to the Secretary of State; to allow private investigators, security guards, and private investigator or security guard firms to obtain liability insurance in lieu of a surety bond; increasing the amount of a surety bond; increasing the licensure renewal term of a private investigator, security guard, and private investigator or security guard firms from one to two years; and making technical typographical changes to distinguish the Secretary of State from an entity’s secretary or administrative assistant”; to the Committee on Government Organization.

By Delegate Rowe:

H. B. 4750 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18C-8-1, §18C-8-2, §18C-8-3, §18C-8-4, §18C-8-5, §18C-8-6, §18C-8-7, and §18C-8-8, all relating to creating the Katherine Johnson College Award Program; providing tuition assistance to qualified students pursuing baccalaureate degrees in eligible post-secondary programs at state regional colleges or universities”; to the Committee on Education then Finance.

By Delegates Barrett, Steele, N. Brown, Criss, Maynard, Hardy, Byrd, Bates and Stagers:

H. B. 4751 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, relating to providing a tax credit for dues paid to trade associations”; to the Committee on Industry and Labor then Finance.

By Delegate Graves:

H. B. 4752 - “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 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 providing definitions for ‘competitive integrated employment’ and ‘customized employment’”; to the Committee on Industry and Labor then Government Organization.

By Delegates Doyle and S. Brown:

H. B. 4753 - “A Bill to amend and reenact §7-22-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-17 of said code, all relating to requiring the economic development authority and county commissions to obtain approval from county board of education for agreements that involve tax revenues that would be expended for public schools”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Canestraro, Pushkin, Hornbuckle, Williams, Campbell and Lovejoy:

H. B. 4754 - “A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended, relating to including ulcerative colitis as a ‘serious medical condition’”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Hanna:

H. B. 4755 - “A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring a vote on school closure or consolidation in certain circumstances”; to the Committee on Education.

By Delegate Kump:

H. B. 4756 - “A Bill to amend and reenact §19-34-2 and §19-34-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §64-9-12, all relating to keeping reptiles, amphibians, and exotic birds from being included on the Dangerous Wild Animal Board’s list of

dangerous wild animals”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Walker, Rohrbach, Miley, Lavender-Bowe, Skaff, Rowe, Hansen, Williams, Pyles, S. Brown and Fleischauer:

H. B. 4757 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m; to amend said code by adding thereto a new section, designated §11-24-23h; to amend said code by adding thereto a new section, designated §16-35-4b, all relating to establishing tax credits for lead abatement in child occupied residences; establishing personal and corporate tax credit to owners or occupiers of these residences; providing for varying tax credits based on time periods when the credit is claimed; and providing for rule-making authority”; to the Committee on Finance.

By Delegates Graves, Butler, D. Jeffries, Hott, Rowan, Sypolt, Pack, Wilson and Hanna:

H. B. 4758 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, relating to enacting the ‘Solemn Covenant of the States to Award Prizes for Curing Diseases’ Compact”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Walker, Rohrbach, Miley, Miller, S. Brown, Fleischauer, Estep-Burton, Pushkin and Hanna:

H. B. 4759 - “A Bill to amend and reenact §60A-11-5 of the Code of West Virginia, 1931, as amended, relating to creating a duty to disclose by owners of property that knew or should have known that crystal methamphetamine production was occurring at a residential property; and authorizing voiding of lease or conveyance for failure to disclose information”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Campbell, Criss, Cooper, Pack, Westfall, Canestraro, Queen, Dean, Paynter, Storch and Lavender-Bowe:

H. B. 4760 - “A Bill to amend and reenact §29-22B-1202 of the Code of West Virginia, 1931, as amended, relating to

modifying video lottery retailer licensing eligibility requirements; modifying the distance measurements from prohibited structures by equalizing the measurement standards for licensed video lottery licenses with that of the Alcoholic Beverage Commission's distance measurements from certain prohibited locations for private clubs' licenses"; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls; 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 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Estep-Burton, Hornbuckle and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4083) 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. 4361, Relating to insurance law violations; 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. 115**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hicks, J. Jeffries and McGeehan.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4361) 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. 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers; on third reading, coming up in regular order, was read a third time.

Delegate Graves asked unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 4444, which consent was not granted, objection being heard.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 116**), 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: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4444) 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. 4453, Expanding the eligibility requirements for private investigator and security guard licensure; 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 96, nays 2, absent

and not voting 2, with the nays and absent and not voting being as follows:

Nays: Canestraro and Fluharty.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4453) 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. 4466, Certificates of Insurance 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. 118**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, McGeehan, Paynter and Wilson.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4466) 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. 4477, West Virginia Mutual to Mutual Insurance Holding Company 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 98, nays none,

absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4477) 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. 4502, Relating to insurance adjusters; 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. 120**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Foster, J. Jeffries, McGeehan, Paynter and Wilson.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4502) 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. 4515, Relating to wildlife resources, eligibility for license or permit application; 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 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Wilson.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4515) 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. 4585, Providing immunity from civil or criminal liability for making good faith reports of suspected or known instances of child abuse or neglect; on third reading, coming up in regular order, was read a third time.

Delegate Steele requested to be excused from voting on H. B. 4585 under the provisions of House Rule 49.

The Speaker replied that there would not be a financial implication as contemplated under the rule and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 122**), and there were—yeas 69, nays 29, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Bibby, Butler, Cadle, Dean, Fast, Foster, Hardy, Hicks, Howell, D. Jeffries, J. Jeffries, Kump, C. Martin, P. Martin, McGeehan, Paynter, Phillips, Porterfield, Rodighiero, Steele, Storch, Summers, Swartzmiller, Tomblin, Toney, Waxman and Wilson.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4585) 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. 4607, Authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics 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. 123**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Criss, Diserio, J. Kelly and Robinson.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4607) 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. 4664, Clarifying the offense of driving under the influence of alcohol, controlled substances, or drugs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 124**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Higginbotham, McGeehan, Phillips, Porterfield, Sponaule, Steele, Summers, Wilson and Worrell.

Absent and Not Voting: Ellington and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4664) 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:

H. B. 2527, Relating to forgery and other crimes concerning lottery tickets,

Com. Sub. for H. B. 4003, Relating to telehealth insurance requirements,

Com. Sub. for H. B. 4061, Health Benefit Plan Network Access and Adequacy Act,

H. B. 4582, Declaring certain claims against agencies of the state to be moral obligations of the state,

Com. Sub. for H. B. 4611, Relating to fireworks,

H. B. 4618, Relating to deadly weapons for sale or hire,

H. B. 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities,

And,

H. B. 4691, Relating to employment in areas of critical need in public education.

First Reading

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

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

H. B. 4455, Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure; on first reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Summers, the bill was postponed one day.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington and Estep-Burton.

Miscellaneous Business

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

- Delegate Evans during Remarks by Members
- Delegate Cooper during Remarks by Members
- Delegate Worrell during Remarks by Members

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

- Delegate Hott for H. B. 4088
- Delegate Fleischauer for H. B. 4723
- Delegate S. Brown for H. B. 4189
- Delegate C. Thompson for H. B. 4583
- Delegate Bates for H. B. 4754

- Delegate Porterfield for H. B. 4088, H. B. 4437 and H. B. 4587
- Delegate Pyles for H. B. 4692, H. B. 4694, H. B. 4696, H. B. 4697, H. B. 4698 and H. B. 4699
- Delegate Mandt for H. B. 2031, H. B. 2032 and H. B. 4519
- Delegate Toney for H. B. 4737
- Delegates Evans and Rodighiero for H. B. 4723

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

- Delegate Kump for H. B. 4717

At 11:54 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 10, 2020.

Monday, February 10, 2020

THIRTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 7, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

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

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

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

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

Your Committee on Education has had under consideration:

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

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

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

With the recommendation that the committee substitute do pass.

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

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

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

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

Your Committee on Finance has had under consideration:

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

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

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

Your Committee on the Judiciary has had under consideration:

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

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

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

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

Your Committee on Government Organization has had under consideration:

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

And,

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

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

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

Your Committee on Government Organization has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4587) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

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

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

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

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

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

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

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

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

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

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

Your Committee on Energy has had under consideration:

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

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

Com. Sub. for H. B. 4088 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to funding the Oil and Gas Reclamation Fund; providing that proceeds from certain real property interests that are due to persons whose names or addresses are unknown or unlocatable which are being kept in special funds throughout the state, if unclaimed for seven years or more, shall be transferred to the Oil and Gas Reclamation Fund and used to plug orphaned and abandoned oil and natural gas wells; providing and clarifying that certain deed or will provisions purporting to convey or reserve interests created by this article are void; clarifying that receivers include both general and special receivers; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the Special Commissioner's lease regardless of when the lease was signed; and authorizing rule making,"

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

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4615, West Virginia Critical Infrastructure Protection Act,

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

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

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

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

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

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

Your Committee on the Judiciary has had under consideration:

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

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

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

With the recommendation that the committee substitute do pass.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of February, 2020, presented to

His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

Messages from the Executive

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

Messages from the Senate

A message from the Senate, by

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

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

A message from the Senate, by

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

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 623 - “A Bill to amend and reenact §18A-3-1 and §18A-3-1f of the Code of West Virginia, 1931, as amended, all relating to making a noncitizen of the United States eligible for a certificate to teach or an alternative program teacher certificate if he or she holds a valid Permanent Resident Card, Employment Authorization Document, or work permit issued by

the United States Citizenship and Immigration Services”; which was referred to the Committee on Education.

Resolutions Introduced

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved by the Legislature of West Virginia:

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

Further Resolved, That the Clerk of the House forward copies of this resolution to the President of the United States; the Vice

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

And,

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

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

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

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

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

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

Resolved by the Legislature of West Virginia:

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

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

Bills Introduced

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

By Delegate Porterfield:

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

By Delegate Wilson:

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

By Delegate Rowe:

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

By Delegate Canestraro:

H. B. 4764 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-17-4c, relating to increasing the excise tax on E-cigarettes; and

requiring the Tax Commissioner to promulgate rules”; to the Committee on Health and Human Resources then Finance.

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

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

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

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

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

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

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

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

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

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

By Delegate Rowe:

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

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

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

By Delegate Rowe:

H. B. 4772 - “A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing

municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership under certain circumstances”; to the Committee on Political Subdivisions then Government Organization.

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

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

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

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

By Delegate Rowe:

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

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

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

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

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

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

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

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

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

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

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

to the course and the State Board of Education”; to the Committee on Education.

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

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

By Delegate Higginbotham:

H. B. 4782 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, and §51-12-7, all relating to enacting the Public Participation Protection Act; permitting litigants to file a special motion to dismiss a claim if the claim is in furtherance of the right of petition, free speech, or association under the United States Constitution or the West Virginia Constitution; permitting expedited hearings and appeals; permitting the recovery of attorneys’ fees and costs and sanctions; making exceptions; providing for severability; and setting an effective date”; to the Committee on the Judiciary.

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

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

amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hill and Pack:

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

By Delegate Rowe:

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

By Delegate Rowe:

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

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

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

of violations; and providing for resolution of code conflict in favor of legislative rules promulgated according to this section”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Rodighiero:

H. B. 4788 - “A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to requiring that no later than July 1, 2020, credits earned at two-year colleges or community and technical college transfer for program credit at any other state institution of higher education”; to the Committee on Education.

By Delegates Worrell and Pushkin:

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

Special Calendar

Third Reading

H. B. 2527, Relating to forgery and other crimes concerning lottery tickets; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 125**), and there were—yeas 88, nays 9, absent and not voting 3, with the nays and absent and not voting being as follows:

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

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2527) passed.

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

Com. Sub. for H. B. 4003, Relating to telehealth insurance requirements; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 126**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

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

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4003) passed.

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

Com. Sub. for H. B. 4061, Health Benefit Plan Network Access and Adequacy Act; on third reading, coming up in regular order, was read a third time.

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

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4061) passed.

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

H. B. 4582, Declaring certain claims against agencies of the state to be moral obligations of the state; on third reading, coming up in regular order, was read a third time.

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

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

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

Excused: Byrd.

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

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

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

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

Excused: Byrd.

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

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4582) takes effect from its passage.

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

Com. Sub. for H. B. 4611, Relating to fireworks; on third reading, coming up in regular order, was read a third time.

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

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

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

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

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4611) passed.

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

H. B. 4618, Relating to deadly weapons for sale or hire; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 131**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Hansen, Rowe and Walker.

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4618) passed.

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

H. B. 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 132**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

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

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4661) passed.

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

H. B. 4691, Relating to employment in areas of critical need in public education; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

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

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

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

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

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

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

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

Second Reading

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

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

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

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

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

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

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

And,

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

The bill was then ordered to third reading.

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

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

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

Whereupon,

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

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

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

In the absence of objection, the bill was advanced to third reading with the reformed amendment pending, and the rule was suspended to permit the offering and consideration of such on third reading.

First Reading

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

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

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

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

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

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

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

H. B. 4551, Relating to subsidized adoption,

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

And,

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

Leaves of Absence

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

Miscellaneous Business

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

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

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

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

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

Tuesday, February 11, 2020

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 10, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that H. B. 4455, on Second Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 46, Com. Sub. for S. B. 470, Com. Sub. for S. B. 487, Com. Sub. for S. B. 500 and Com. Sub. for S. B. 501, on Third Reading, House Calendar, had been transferred to the Special Calendar; and S. B. 321 and Com. Sub. for S. B. 532, on Second Reading, House Calendar, had been transferred to the Special Calendar.

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. 4155, Relating generally to the regulation of plumbers,

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

Com. Sub. for H. B. 4155 – “A Bill to amend and reenact §21-14-2 and §21-14-3 of the Code of West Virginia, 1931, as amended, all relating generally to the regulation of plumbers; exempting individuals who perform plumbing work under \$5,000 from being a licensed plumber; requiring the Commissioner of Labor to credit military related experience towards hours requirements; exempting employees of a small business; defining terms; requiring drug testing of licensees; and reducing the number of hours of plumbing work experience,”

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. 4693, Expanding the scope of the Veterans to Agriculture Program,

And reports the same back, with a title amendment, with the recommendation that it 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 bill (H. B. 4693) was referred to the Committee on Government Organization.

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. 4180, Relating to the seed certification program within the Department of Agriculture,

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. 4180) was referred to the Committee on Government Organization.

Delegate Atkinson, 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. 2151, Relating to the beginning and expiration of hunting and fishing licenses,

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. 2151) was referred to the Committee on the Judiciary.

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

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. 4537) was referred to the Committee on Government Organization.

Delegate Atkinson, 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. 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase,

And,

H. B. 4634, Southern West Virginia Lake Development Study Commission Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4523 and H. B. 4634) were each referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 3060, Amending the definition of mortgage loan originator,

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. 3060) 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. 4406, Relating to the reproduction of checks and other records,

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

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. 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia,

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. 4558) 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. 4454, Authorizing an order of restitution to the state for reimbursement of costs incurred for misuse of public funds,

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. 4454) 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. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species,

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

Com. Sub. for H. B. 4513 - "A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to increasing the replacement costs required of a person causing injury or death of game or protected species; providing additional replacement costs for antlered deer; and requiring revocation of hunting and fishing licenses for conviction of described offenses,"

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. 300, Updating certain terms in WV Corporation Net Income Tax Act,

And,

S. B. 310, Updating certain terms used in WV Personal Income Tax Act,

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:

S. B. 170, Alleviating double taxation on foreign income at state level,

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. 4217, Department of Environmental Protection, ambient air quality standards,

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

Com. Sub. for H. B. 4217 - "A Bill to amend and reenact §64-3-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection 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 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 emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation rule; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to groundwater protection rules for coal mining operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system;

authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule; and authorizing the Oil and Gas Conservation Commission to promulgate a legislative rule relating to rules of the commission.”

With the recommendation that the committee substitute do pass.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 10, 2020, he approved **Com. Sub. for S. B. 323**.

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. 96 - “A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from limiting in any manner inconsistent with or in conflict with state law, the rights of persons to purchase, possess, transfer, own, carry, transport, sell, or store deadly weapons, firearms, or pepper spray; defining terms; extending restrictions on municipal regulation of firearms to pepper spray and deadly weapons; removing authority of municipalities to prohibit possession of deadly weapons or pepper spray in areas where temporary events are held; and limiting award of attorney’s fees and costs to petitioners prevailing in certain actions”; which was referred to the Committee on Political Subdivisions 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. 195 - “A Bill to amend and reenact §44-1-29 of the Code of West Virginia, 1931, as amended, relating to authorization for a personal representative, trustee, administrator, or executor of a deceased person’s estate to transfer or amend deeds of conservation or preservation easements; removing authorization to execute deeds of conservation and preservation easements where a decedent did not sign or complete the deed or easement; defining the duty of the personal representative, trustee, administrator, or executor; and establishing conditions for the exercise of the authority to transfer or amend”; 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. 266 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating language regarding special license plates for Fairmont State alumni”; which was referred to the Committee on Technology and Infrastructure then 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. 275 - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section designated §51-2A-24 of said code; 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, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation board of review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the board of review; providing that the Insurance Commissioner shall have administrative oversight and authority over the board of review; authorizing the board of review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chairman of the board of review to assign a member of the board to each objection; establishing the duties of board of review; requiring that all orders and decisions of the board of review pertaining to an objection be issued and signed by a single member of the board of review, with certain exceptions; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the board of review; increasing the limit on the annual salary of a board of review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chairman of the board of review; providing that the administrative expenses of the board of review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of board of review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims;

requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in certain extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedures for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial 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 the Intermediate Court of Appeals 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 and related filings be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; 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 lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; 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; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code”; 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. 573 - “A Bill supplementing, amending, and increasing the appropriations of public moneys out of the Treasury for claims against the state by making supplementary appropriations from the

unappropriated balance in the State Fund, General Revenue, special revenue funds and state road funds for the fiscal year ending June 30, 2020”; 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. 576 - “A Bill to repeal §5A-8-6 and §5A-8-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-8-3, §5A-8-4, §5A-8-5, §5A-8-7, §5A-8-9, §5A-8-10, §5A-8-11, §5A-8-13, §5A-8-14, §5A-8-15, and §5A-8-17 of said code, all relating to records management of public records; defining terms; dissolving the formal advisory committee; updating the authority of the administrator; allowing for records of historical value; updating the authority of agency heads related to records management; providing for electronic storage and electronic formats for records; repealing the requirement that administrator must store agencies’ essential records; removing the requirement that administrator notify agencies of essential records destruction; providing that administrator may approve request by agencies to destroy their essential records; and making technical changes”; 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. 600 - “A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to creating a special revenue account of the State Treasury designated the Military Authority Fund to be administered by the Adjutant General for all nonfederal government entity revenues and expenses received by the West Virginia Military Authority”; 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. 665 - “A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 8, 1995, provide a DNA sample; and clarifying that persons and entities supervising or confining felons are required to obtain DNA samples from felons when requested to do so by the State Police”; 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. 670 - “A Bill to amend and reenact §56-3-33 of the Code of West Virginia, 1931, as amended, relating to amending the manner of service of process on nonresident persons or corporate entities”; 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. 676 - “A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to permitting fees from the central abuse registry to be used for costs relating to information technology support and infrastructure; and permitting the term ‘criminal recordkeeping’ to include data creation.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 676) 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. 678 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-5-10, relating to the waiver of all penalties, costs, assessments, forfeitures, fines, and fees associated with criminal convictions for persons who successfully complete the Getting Over Addicted Lifestyles Successfully Program in jail for the purpose of obtaining a driver’s license”; 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 Agriculture and Natural Resources then Rules:

S. C. R. 29 - “Requesting the United States Drug Enforcement Administration and the United States Department of Agriculture to consider promulgating regulations authorizing a state that has been granted primary regulatory authority over the production of hemp in the state to take custody of cannabis plants to lower the tetrahydrocannabinol concentration of processed hemp.”

Whereas, The Legislature is requesting the United States Drug Enforcement Administration and the United States Department of Agriculture to consider promulgating regulations authorizing a state that has been granted primary regulatory authority over the production of hemp in the state to take custody of cannabis sativa L. plants having a delta-9 tetrahydrocannabinol concentration on a dry weight basis which exceeds 0.3 percent but is less than 1.0 percent, for the purpose of applying technology and techniques to

lower the tetrahydrocannabinol concentration of processed hemp to 0.3 percent or less; and

Whereas, Hemp is defined as the plant *cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis; and

Whereas, A *cannabis sativa* L. plant having a THC concentration of more than 0.3 percent constitutes marijuana, a Schedule I controlled substance, and is subject to enforcement by the United States Drug Enforcement Administration; and

Whereas, The Interim Final Rule entitled, “Establishment of a Domestic Hemp Production Program”, promulgated by the Agricultural Marketing Service of the United States Department of Agriculture on October 31, 2019, requires disposal of *cannabis sativa* L. plants having a THC concentration of greater than 0.3 percent, and does not expressly provide for remediation of such plants to lower the THC concentration of processed hemp to 0.3 percent or less; and

Whereas, The West Virginia Department of Agriculture is required to comply with federal requirements and restrictions pertaining to hemp and has sought primary regulatory authority over the production of hemp in this state; and

Whereas, There exists technology and techniques capable of lowering THC concentration of processed hemp to 0.3 percent or less; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the United States Drug Enforcement Administration and the United States Department of Agriculture to consider promulgating regulations authorizing a state that has been granted primary regulatory authority over the production of hemp in the state to take custody of cannabis plants

to lower the tetrahydrocannabinol concentration of processed hemp; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Drug Enforcement Administration and the United States Department of Agriculture, requesting their cooperation.

Resolutions Introduced

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

H. C. R. 74 - "Requesting the Division of Highways name bridge number 01-056/00-000.01(01A063), (38.97937, -79.95045) locally known as Junior W-Beam, carrying CR 56 over Tygart Valley River in Barbour County, the 'U. S. Army PFC Roger Lee Carpenter Memorial Bridge'."

Whereas, Roger Lee Carpenter was born August 16, 1947, to Bretzel and Marcelene Shomo Carpenter; and

Whereas, Roger Lee Carpenter attended Junior Grade School, Belington Junior High and graduated in 1965 from Phillip Barbour High School and is survived by his siblings, Robert Carpenter, Gary Carpenter and Barbara Carpenter; and

Whereas, Roger Lee Carpenter enlisted in the United States Army and was a PFC in Troop B, 4 Cavalry, 25th Infantry Division; and

Whereas, Roger Lee Carpenter was killed in action in Vietnam on April 14, 1968; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Roger Lee Carpenter 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 01-056/00-000.01(01A063), (38.97937, -79.95045) locally known as the Junior W-Beam, carrying CR 56 over the Tygart Valley River in Barbour County, the “U. S. Army PFC Roger Lee Carpenter 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 Roger Lee Carpenter Memorial Bridge”; and, be it

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

Delegates Stagers, Boggs, Miley, Wilson, Phillips, Lavender-Bowe, Bates, Pack, Cooper, Kessinger, Campbell, Angelucci, Azinger, Barrett, Bibby, N. Brown, S. Brown, Byrd, Cadle, Canestraro, Caputo, Criss, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Householder, Jennings, D. Kelly, Kump, Linville, Longstreth, Maynard, McGeehan, Miller, Paynter, Pethel, Porterfield, Pushkin, Pyles, Queen, Rodighiero, Rohrbach, Rowe, Shott, Skaff, Sponaule, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams 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. 75 - “Providing for the naming of the highest peak on Wolf Creek Mountain in Monroe County, ‘Boone’s Peak’.”

Whereas, Buele (Boone) Cochran lived near Creamery most of his life and in 1953 he bought a farm upon which he, his wife and three children lived. He passed away in 2011 after a long battle with dementia; and

Whereas, During World War II, Mr. Cochran was a Marine who served on Iwo Jima from day one through the last day. He later took part in the occupation of Japan. Returning home, he and his father set up a sawmill at Creamery and timbered for a few years.

He later turned to farming for a period while still living at the farm. He then also worked at the federal reformatory at Alderson until retirement from federal prison service, as did his wife; and

Whereas, Mr. Cochran served as the VFW Post Commander in Alderson for more than 20 years. He also sold Buddy Popeyes till age caught up with him. He was active in taking part during the 4th of July celebrations, the flag raisings, parades and other patriotic events. He was a Christian and very supportive of his church. He became a namesake in the whole area; and

Whereas, Mr. Cochran and his children often climbed to the top of that mountain; and

Whereas, It is fitting that an enduring tribute be established to honor Mr. Cochran's contributions to his country and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Natural Resources is hereby requested to name the highest peak on Wolf Creek Mountain in Monroe County, "Boone's Peak"; and

Further Resolved, That the Director of the Division of Natural Resources is hereby requested to erect a sign at the top of Wolf Creek Mountain in Monroe County proclaiming it as "Boone's Peak"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Director of the Division of Natural Resources.

Delegates Fluharty, Diserio, Canestraro, Zukoff, Lovejoy and Storch 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. 76 - "Requesting the Division of Natural Resources name the waterfall located on North Branch of Short Creek across North Fork Road, County Route 9, from Short Creek United

Methodist Church cemetery in Ohio County, West Virginia, 'White Angel Falls'."

Whereas, Erin Jo Brookes, was born on September 26, 1972, to parents Brian and Debbie Brookes, and died on March 24, 2009, from cancer; and

Whereas, Her gravestone has a "White Angel" beside it and is in direct line of sight to the waterfall; and

Whereas, To some, the waterfall symbolizes eternal life and hope, as everyday water either trickles or gushes over it; and

Whereas, It is fitting to name this waterfall, "White Angel Falls"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Natural Resources is hereby requested to name the waterfall located on North Branch of Short Creek across North Fork Road, County Route 9, from Short Creek United Methodist Church cemetery "White Angel Falls"; and, be it

Further Resolved, That the Division of Natural Resources is hereby requested to have made and place a sign near the waterfall the "White Angel Falls" waterfall; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Director of the Division of Natural Resources.

Delegates Skaff, Anderson, Barnhart, Barrett, Bates, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Criss, Dean, Doyle, Estep-Burton, Fleischauer, Fluharty, Hanna, Hansen, Hartman, Hicks, Hill, Hornbuckle, Hott, Householder, D. Jeffries, J. Jeffries, D. Kelly, Kump, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, Mandt, Miller, Pack, Phillips, Pyles, Robinson, Rowan, Rowe, Shott, Sponaugle, Storch, Swartzmiller, R. Thompson, Tomblin, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 77 - “Requesting the Joint Committee on Government and Finance conduct a study of the increased duties and responsibilities of the West Virginia State Police, and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide enforcement of criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state’s public streets, roads and highways.”

Whereas, The West Virginia State Police have been protecting the citizens of this state since 1919, investigating crimes, traffic accidents, providing crowd control, directing traffic, apprehending sexual predators and those that terrorize our neighborhoods to ensure that we live in peace; and

Whereas, The West Virginia State Police has seen a decrease in manpower since 2001, when more than 700 Troopers protected West Virginia to currently employing only 615 Troopers to protect West Virginia; and

Whereas, The West Virginia State Police duties and responsibilities have continued to grow during the same time period which have included the sex offenders within the state that are required to register with the West Virginia State Police; in 2001, the sex offender registry listed 1,468 sex offenders within the state, and that number has now grown to over 5,639 offenders that the West Virginia State Police has the responsibility of keeping track of; and

Whereas, In 2017, there were 833 drug overdose deaths reported in West Virginia involving opioids, giving West Virginia the highest age-adjusted rate of drug overdose deaths involving opioids in the country; and

Whereas, The most recent figures reflect that the West Virginia State Police answered 159,552 calls for service for a one-year period answering the calls of the citizens of West Virginia; and

Whereas, The Legislature finds that it should take an active role in studying, formulating and implementing a plan to provide the

necessary manpower, equipment and resources needed for the West Virginia State Police to meet the statutory mission of Statewide Law Enforcement; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study of the West Virginia State Police manpower, duties and responsibilities, and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide law enforcement and citizen protection from criminal depredation throughout the state; 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, 2021, on its findings, conclusions and recommendations, together with drafts of any legislation 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.

Delegate 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. 78 - "Requesting the Division of Highways name bridge number 21-N1670-0.09 (21A910), locally known as 4th Street Beam Bridge, carrying West 4th Street over Polk Creek in Lewis County, the 'U. S. Army Air Corps PVT Thomas M. Wright Memorial Bridge'."

Whereas, PVT Wright was born in Lewis County West Virginia on January 15, 1920, to Wilbur Leslie Wright and Albina Phillips Wright; and

Whereas, PVT Wright enlisted in the Army Air Corps at Fort Hayes, Columbus, Ohio, on July 21, 1941; and

Whereas, PVT Wright was assigned to the 18th Squadron, 17th Air Base Group, at Hickam Field in Hawaii on the island of Oahu; and

Whereas, PVT Wright was one of more than 2,400 souls to be lost on December 7, 1941 due to the attacks on Pearl Harbor and PVT Wright was the first casualty from Lewis County, W.Va. to be lost during World War II; and

Whereas, PVT Wright received, posthumously, the Purple Heart to commemorate his service to his country and state; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT Thomas M. Wright 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 21-N1670-0.09 (21A910), locally known as 4th Street Beam Bridge, carrying West 4th Street over Polk Creek in Lewis County, the “U. S. Army Air Corps PVT Thomas M. Wright 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 Air Corps PVT Thomas M. Wright Memorial Bridge”; and, be it

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

Delegates Hartman, Sponaule, Stagers, N. Brown, 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. 79 - “Requesting the Division of Highways name bridge number 42-021/00-001.50 (42A035), (38.79220, -79.89154) locally known as East Dailey Bridge, carrying CR 21 over Tygart

Valley RV. in Randolph County, the 'U. S. Army Nurses Corp CPT Nancy Margaret Kiess Memorial Bridge'."

Whereas, United States Army Captain Nancy Margaret Kiess was born in Adolph, West Virginia, on January 14, 1916, and passed away on February 9, 2007; and

Whereas, Captain Kiess was accepted into the Army Nurses Corp while still a student nurse. Camp Pickett, Virginia was her first field of work. There she met Frances Fuller, who became her Army buddy and together they went through the war were in charge of the operating tents in their hospital. After five months at Camp Pickett she joined the 34th Evac Hospital with 20 other nurses in Jasper, Texas, on June 11, 1943, before heading onto maneuvers in Louisiana; and

Whereas, After 17 weeks of learning how best to take down and set up tents at eight different areas caring for patients from a tank division, Captain Kiess was then sent to Camp Barkley, Texas, before moving overseas. She left Camp Barkley by rail and after a trip of three days and nights, that went through Canada, she arrived at Camp Kilmer, New Jersey; and

Whereas, After 31 days they boarded the HMHS El Nel, a British ship which was captured from Germany in World War I. It was given to the Egyptian government as a private vessel to travel the Nile River. The ship was returned to the British with the condition that it be used as a hospital ship only. Carrying the 34th Evacuation Hospital was to be its first mission prior to delivery to the British. On February 12, 1944, the ship left New York, but due to mechanical difficulties docked at Halifax, Nova Scotia, where it was repaired; and

Whereas, After leaving Halifax the rough sea obliterated all distinguishing marks required by the Geneva Convention. The waves poured over the decks tearing loose a couple of lifeboats and cracking the super structure. A leak developed in the boiler room, the pumps failed, and men were used to bail out the water. The ship was alone on the ocean, not in a convoy with other ships. Later after coming around Northern Ireland through the Irish Sea to

Liverpool, England, its Captain told Captain Kiess and all those onboard how near they came to abandoning ship; and

Whereas, From Liverpool Captain Kiess was taken to Altrincham, England, where she was billeted in private homes until boarding the SS Empire Broadsword to cross the channel. She and the other nurses climbed down rope ladders into landing craft and waded ashore at Utah Beach near Cherbourg where they saw their first dead American soldier laying on the beach. That first night was spent in foxholes because their equipment was delayed in the channel. She worked with the 96th and 97th Evac hospitals at Sainte-Mere-Eglise and St Sauveur le Vincente, until the equipment arrived. The personnel of the hospital were divided in half and each section worked a 12-hour shift. The hospital was never closed except when on convoy from one area to another until the war was ended; and

Whereas, On the first day of operation, when they were reunited with the equipment, near Carenton, France, Captain Kiess and her colleagues received 525 patients, 125 above capacity. German planes strafed the highway near the hospital, and they watched planes dog fight over their tents. Being just 3½ miles behind the front line, and in constant danger of counter battery fire, they watched and heard the drone of a thousand airplanes as the Air Corp blasted a hole through the enemy lines near St. Lo, through which General Patton's 3rd Army poured and started the drive across France. Captain Kiess and the hospital followed General Patton's tanks during his drive into Germany; and

Whereas, Their next move during the night was to Fougeres, France, near where the Germans had launched an unsuccessful counter-attack. After which, they continued to follow the rapidly advancing 3rd Army toward Paris. Their next three areas were of short duration since the army was moving so quickly: Tigery where they received a large number of German prisoners of war; Etempes, was an area in Alfalfa fields where the army engineers worked for three days to put a road through to the hospital and two days after it was completed they received orders to move; and Tauxieres, near Reims and during time off some of the personnel were fortunate

enough to visit the Reims Cathedral. They also became acquainted with French Champagne in the area; and

Whereas, A military hospital was Captain Kiess' base in Verdun. She was impressed with the quality and quantity of the German medical equipment left behind in the buildings. The number of patients received in the area doubled their capacity, which required some patients and all personnel to be quartered in the basement, but they also had to be evacuated when the river overflowed and flooded the basement. One bright time was on Thanksgiving Day at Verdun when they remembered the role the city had played in World War I; and

Whereas, The end of November found them moving into Metz and hearing the sporadic gunfire from the forts outside the city still in German hands. They set up in another evacuated military hospital and spent a very cold winter where Captain Kiess spent Christmas and New Year. She, the other nurses and the men trimmed Christmas trees with IV connectors wrapped in chewing gum foil and any other bright object they could find to brighten the patients and the day. The area held a very sad memory for Captain Kiess, because it was there she received word her mother, Mary Ann Pennington Kiess, had died on January 20, 1945. The kindness and sympathy of her friends helped her through that dark time in her life; and

Whereas, On February 2, 1945, they moved into Luxembourg and experienced the longest period of continuous surgery and operation for all sections as the 3rd Army was constantly engaged in attacks for the drive to the Rhine River. Their next hospital setup was in an old convent, which had been used as a German hospital. The city was quite beautiful, both old world and new, it seemed more like cities in the United States. Most of the people spoke English and the city had ice cream parlors. German long-range shells landed near the hospital as they tried to destroy the beautiful stone bridge spanning the valley which was the main supply route to the front lines; and

Whereas, On March 24, 1945, Frankfurt on the Main fell, and on March 30 Captain Kiess' hospital started its move. This was her

first sight of German soil. Many windows and doors had white flags flying from them and there were orders not to fraternize. They crossed the Rhine River on a pontoon bridge under a heavy smoke screen, which wasn't soon forgotten. The hospital was installed in the buildings of the famous Frankfurt Medical School. There were many German patients, who were moved to buildings staffed by German medical personnel. A large number of allied patients were prisoners of war, including many American soldiers. General Patton visited the hospital and inspected its operating rooms; and

Whereas, Thereafter, they moved to Suhl where they could see the destruction caused by the allied air force and the smoking cities as they passed through. The building they used had been a training center for German Luftwaffe and was on top of a hill. Admittances began to decrease, and they knew this meant the war would soon be over. The first convoy trucks carrying operating room equipment and personnel arrived at Sandersdorf, Germany, on April 28, 1945, a Saturday afternoon. Even though a half dozen field artillery observations planes occupied some of the area, they set up and were ready for patients six hours ahead of schedule. They were in tents for the first time since September, 1944; and

Whereas, It was at this time Captain Kiess saw how disorganized retreating Germans were, and of the low number of patients received many were German soldiers. In the next few days they heard Hitler was dead, hostilities soon ceased, and May 9 was proclaimed VE day. Blackout regulations were lifted, they could have lights, and bonfires were built. With fewer patients, Captain Kiess fished and played ball and horseshoes while waiting to go home; and

Whereas, Captain Kiess' unit then moved to Ingolstadt, Germany, a city surrounded by a wall, that contained apartments for displaced persons. At this time the hospital was disassembled, and the nurses were sent to Marseille, France, where they boarded the battleship USS Hermitage for the long voyage home; and

Whereas, For her service, Captain Kiess received 4 Battle Stars, The World War II Victory Medal, the American Theater

Medal, and the European-African-Middle Eastern Campaign Medal; and

Whereas, It is appropriate to name this bridge to honor Captain Kiess for her service to her country and her state; 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 42-021/00-001.50 (42A035), (38.79220, -79.89154) locally known as East Dailey Bridge, carrying CR 21 over Tygart Valley RV. in Randolph County, the “U. S. Army Nurses Corp CPT Nancy Margaret Kiess 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 “U. S. Army Nurses Corp CPT Nancy Margaret Kiess 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 referred as follows:

By Delegates Miley, Fluharty, Evans, Angelucci, Rowe, Bates, Diserio, Fleischauer, Skaff and Hornbuckle:

H. J. R. 111 - “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 generally to ad valorem taxation and assessment of tangible personal property; authorizing the Legislature to exempt one or more species of tangible personal property from taxation; authorizing the Legislature to reduce the rate of taxation or assessment for one or more species of tangible personal property; authorizing different statewide rates of taxation, statewide rates of assessment, and statewide methods of valuation for different species of tangible personal property; specifying that the Legislature and levying bodies remain subject to constitutional limits on rate of taxation

and assessment; authorizing the Legislature to classify property as real or personal for taxation purposes; requiring the Legislature to appropriate equivalent funds to each local government that loses revenues; 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 Delegates Miley, Bates, Doyle, Hicks, Diserio, Skaff, Lavender-Bowe, S. Brown, Barrett, Longstreth and Zukoff:

H. J. R. 112 - “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 generally to ad valorem taxation and assessment of noncommercial motor vehicles; authorizing the Legislature to exempt noncommercial motor vehicles owned by individuals for personal use from paying ad valorem tax on those motor vehicles; and requiring the Legislature to appropriate equivalent funding to local governmental bodies losing revenue; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegates Steele and Bartlett:

H. J. R. 113 - “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, fish and harvest wildlife; 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 Rules.

By Delegate Wilson:

H. J. R. 114 - “Proposing an amendment to the Constitution of the State of West Virginia amending section two, article XII thereof, relating to the removal of the West Virginia Board of Education as the entity responsible for the general supervision of free schools; numbering and designating such proposed amendment; and providing a summarized statement of the purpose

of such proposed amendment”; to the Committee on Education then the Judiciary.

By Delegates Fast, Hanshaw (Mr. Speaker), Householder and Criss:

H. J. R. 115 - “Proposing an amendment to the Constitution of the State of West Virginia to add section one-d, article X thereof, relating to legislative authority to repeal all business and inventory ad valorem property taxation on tangible personal property and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

And,

By Delegates Skaff, Zukoff, Angelucci, Diserio, Lavender-Bowe, C. Thompson and Estep-Burton:

H. J. R. 116 - “Proposing an amendment to the Constitution of the State of West Virginia amending section 13, article VI thereof, relating to allowing elected state official to be a government employee or employee of a public school, college, or university; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Government Organization then the Judiciary.

Motions

Delegate Bates moved, pursuant to House Rule 100, that Com. Sub. for H. B. 4061 be committed to the Committee on the Judiciary.

Delegate Rowe was speaking during debate on the motion to commit when Delegate Summers arose to a point of order regarding the question before the House, to which point the Speaker replied that the point was well taken but that some latitude would be allowed to address the underlying bill.

The question being on the adoption of the motion, the same was put and did not prevail.

Bills Introduced

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

By Delegates Foster and Waxman:

H. B. 4791 - “A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended, relating to the alteration of the definition of a specialty contractor under the West Virginia Contractor Licensing Act in order to specify that only specialty contractors whose work requires more than 10 percent of labor to fulfill their contracting services would be required to obtain a contractor’s license”; to the Committee on Government Organization.

By Delegates Howell, C. Martin and Hamrick:

H. B. 4792 - “A Bill to amend and reenact §11-6-11 of the Code of West Virginia, 1931, as amended, relating to the board of public works assessing a flat fee on land owned by a railroad, telegraph, telephone, or pipeline that are not considered fit for use but are held by a railroad, telegraph, telephone, or pipeline for any reason, including potential future use; providing that the board of public works shall consult with the counties in which land owned by a railroad, telegraph, telephone, or pipeline lie; and providing for an effective date”; to the Committee on Government Organization then Finance.

By Delegates Maynard, Linville, Rohrbach, J. Jeffries, Kessinger, Householder, Sypolt, Steele, Hanna, Mandt and Rowan:

H. B. 4793 - “A Bill to amend and reenact §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §49-4-201a and §49-4-206, all relating to adding fire departments, law-enforcement agencies, emergency medical services organizations, and an emergency medical service provider employed by the organization to those who may take possession of a child voluntarily delivered to them by a parent who does not wish to return for the child, providing for delivery to a newborn safety incubator; defining certain terms; requiring certain rules and providing protection from civil liability for accepting such a child”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hamrick, Dean, Maynard, Barnhart, Cadle, Higginbotham, Hanna, Staggers, Howell, Rodighiero and R. Thompson:

H. B. 4794 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to issuing specialty motor vehicle registration plates for businesses owning a fleet of 25 or more vehicles; establishing application and qualification requirements; and setting fees for specialty registration therefor”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Pushkin, Estep-Burton, Skaff and Byrd:

H. B. 4795 - “A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership under certain circumstances”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Pushkin, Robinson, Estep-Burton, Walker, Skaff and Byrd:

H. B. 4796 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5-16-7g; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u, to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders and medical and surgical procedures; providing definitions; providing mandatory coverage; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date”; to the Committee on Banking and Insurance then Finance.

By Delegate Capito:

H. B. 4797 - “A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing

municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership under certain circumstances”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Foster and Waxman:

H. B. 4798 - “A Bill to amend and reenact §21-11-6 of the Code of West Virginia, 1931, as amended, relating to creation of an exemption under the West Virginia Contractor Licensing Act for work performed by a subcontracted specialty contractor that utilizes 10 percent or less in total labor costs on a singular project; to the Committee on Government Organization.

By Delegates Summers, Ellington, Fast and Fleischauer:

H. B. 4799 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19, relating to creating the Patient Safety & Transparency Act”; to the Committee on Health and Human Resources.

By Delegates Cadle, Hicks, Paynter, Foster, Azinger and Bibby:

H. B. 4800 - “A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new section, designated §19-1-3c; to amend and reenact §19-1A-5 of said code; to amend and reenact §19-1B-3 of said code, all relating generally to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture effective July 1, 2019; transferring all authorities, powers, funds, duties, and affiliated boards or commissions of the Division of Forestry from the Division of Forestry to the Department of Agriculture; ensuring legislative rules remain in effect and transfer; permitting the Commissioner of Agriculture to hire the Director of the Division of Forestry and set the director’s salary; transferring Division of Forestry employees and director with same salary and benefits; making employees and Director of the Division of Forestry will and pleasure employees of the Commissioner of Agriculture; directing the Commissioner of Agriculture and the Secretary of Commerce to work with the Director of the Division of Forestry to ensure smooth transition;

and making technical corrections to recognize the transfer elsewhere in the code”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Rowe:

H. B. 4801 - “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 Fleischauer, Pushkin, Hornbuckle, Walker, Bates, Fluharty, Canestraro, Williams, Pyles, Evans and Rowe:

H. B. 4802 - “A Bill to repeal §8-10-2b of the Code of West Virginia, 1931, as amended; to repeal §17B-3-3c of said code; and to repeal §62-4-17 of said code, all relating to eliminating the ability of a person’s driver’s license to be suspended for the failure to pay court fines and costs and for the failure to appear or otherwise respond in court”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Capito:

H. B. 4803 - “A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to directing the State Fire Commission to promulgate a legislative rule related to code official certification standards with certain amendments”; to the Committee on Government Organization.

By Delegates Ellington, Espinosa, Cowles, Householder, Atkinson, Hardy, Higginbotham and Bibby:

H. B. 4804 - “A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to comprehensive systems of support for teacher and leader induction and professional growth; providing for retention of \$100,000 of school aid funds for comprehensive systems of support, each year for five-year period, for use by department of education to assist county boards in design and implementation of teacher leader framework to accomplish teacher induction and growth aspects of comprehensive system; clarifying intent of comprehensive systems

of support includes meaningful assistance for beginning teachers and leaders; authorizing state board guidelines for design and implementation of comprehensive systems to include design and implementation of teacher leader framework; clarifying references to appropriations supporting county-level implementation of comprehensive systems of support; removing prohibition on specific level of compensation guarantee to employee service or employment as mentor; authorizing county board adoption of teacher leader framework to accomplish purposes of section for teacher induction and professional growth and apply appropriations to support county salary supplement if adopted and meeting qualifications specified for teacher duties; requiring department to assist county boards with design and implementation of teacher leader framework; stating goals of framework; authorizing formation of networks of schools or systems or both for design and implementation of frameworks with certain objectives; providing minimum components of teacher leader frameworks adopted by county boards; and requiring report to legislative oversight commission”; to the Committee on Education then Finance.

By Delegates Graves and Higginbotham:

H. B. 4805 - “A Bill to amend and reenact §6C-4-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6C-4-4, all relating to providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations; and requiring Division of Personnel to conduct rulemaking”; to the Committee on Government Organization.

By Delegate Angelucci:

H. B. 4806 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating to requiring the Commissioner of Highways to include rumble strips on construction projects involving two lane secondary roads”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Azinger:

H. B. 4807 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a,

relating to arrests of addicted or mentally ill persons that are a danger to themselves or others; providing that law enforcement have a reasonable belief a person is addicted or mentally ill and a danger to themselves or others; providing that an arrest made under this section is considered an application for involuntary hospitalization; providing that the arresting officer or officers provide notice of the arrest as an application for a probable cause hearing; providing that the notice be submitted within four hours of the arrest; providing that all proceedings follow current law; and providing that this section is not intended to remove or alter a persons rights under current law and proceedings for involuntary hospitalization”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Howell, C. Martin, Graves, Higginbotham and Steele:

H. B. 4808 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-14a, relating to persons from another state storing firearms in this state; providing that firearms may be stored in any storage location in this state not otherwise prohibited by law; providing that information relating to firearms stored in this state shall not be disseminated to law enforcement or other agency without meeting certain conditions; providing that a judge must first order a person to provide information relating to firearms stored in this state; providing that the judge must have clear and convincing evidence that the firearm was used in a crime committed in another state or this state before ordering information to be provided; providing that the owner or operator of a storage location must provide only information ordered by a judge; providing that an owner or operator of a storage location must not provide information without being first ordered by a judge; providing for first time offense penalties; providing for subsequent offense penalties; providing for an absolute defense for failing to provide information before being ordered to provide information by a judge”; to the Committee on the Judiciary.

By Delegates Storch, Westfall, Barrett, Criss, Householder, Canestraro and Fluharty:

H. B. 4809 - “A Bill to amend and reenact §47-21-2 of the Code of West Virginia, 1931, as amended, relating to charitable

raffles; and removing outdated prohibitions against electronic or mechanical ticket dispensers and readers and associated digital fundraising platforms”; to the Committee on the Judiciary.

By Delegates Campbell, D. Jeffries, Fluharty, Dean, Lavender-Bowe, Pack, Hamrick, Higginbotham and R. Thompson:

H. B. 4810 - “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 two days earlier”; to the Committee on Agriculture and Natural Resources.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4811 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-3-62 and §5A-3-63, all relating to requirements for state contracts; providing that any state spending unit executing a contract notify the county or municipality where the work will be performed; requiring surety bonds for vendors bidding on state contracts; providing for an effective date; providing that contracts in excess of \$1 million require the vendor to obtain a surety bond for the bid to be considered complete; providing that the surety bond is used to pay local taxes to the municipality where the contract work will be performed; providing for deposit of the surety bond with the State Treasurer; providing that the amount of the surety bond be advertised with the contract specifications; providing for the vendor to obtain partial amounts of the surety bond under certain conditions; providing for the entire amount of the surety bond be returned to the vendor upon full payment; providing for any portion of the surety bond equal to the tax liability of the vendor be remitted to the municipality for payment of taxes under certain conditions; providing for 30 days from the end of the contract for the vendor to pay all outstanding municipal taxes; providing for failure to pay local taxes as grounds for the director to consider debarment of a vendor; and providing for rulemaking”; to the Committee on Government Organization.

By Delegates Hamrick, Maynard, Bibby, Hardy, Cooper, Porterfield, Paynter, Higginbotham, Barnhart and Campbell:

H. B. 4812 - “A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner’s property without a license”; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Steele and Foster:

H. B. 4813 - “A Bill to repeal §30-10-10, §30-10-11, §30-10-12, and §30-10-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-10-1, §30-10-3, §30-10-4, and §30-10-6 of said code, all relating to veterinary technicians or animal euthanasia technicians; providing that a licensed veterinarian is responsible for ensuring staff performing tasks have received education, training, guidance, and supervision from a licensed veterinarian; providing for altered definitions; providing for a person of a licensed veterinarian’s staff appointed to the board; providing that a veterinary staff member cannot be employed by a licensed veterinarian also appointed or currently serving on the board; and providing for removal of the animal euthanasia technician program”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate McGeehan:

H. B. 4814 - “A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents or guardians to participate in programs for juveniles in an out-of-home placement”; to the Committee on the Judiciary.

By Delegates Campbell and Lavender-Bowe:

H. B. 4815 - “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 Hanshaw (Mr. Speaker) and Miley:

H. B. 4816 - “A Bill to amend and reenact §22-3-11 of the Code of West Virginia, 1931, as amended, relating to removing the provisions for self-bonding; and providing for removal of the applicant insuring a bond without separate surety”; to the Committee on Energy then the Judiciary.

By Delegates Phillips, McGeehan, Bibby and D. Kelly:

H. B. 4817 - “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 2020; 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 Government Organization.

By Delegates Phillips, Steele, Paynter, Bibby and D. Kelly:

H. B. 4818 - “A Bill to amend and reenact §61-5-10 of the Code of West Virginia, 1931, as amended, relating to making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program”; to the Committee on the Judiciary.

By Delegate Householder:

H. B. 4819 - “A Bill to amend and reenact §8-35-1 and §8-35-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating to the dissolution of

municipalities and to modernizing the process”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4820 - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5A-3-35a, relating to inventory of firearms owned by state agencies; providing for exempted agencies of the requirements of the purchasing division be required to submit to the director an inventory of all firearms owned by the agency; providing that an agency is not exempt from a limited number of sections relating to inventory; providing that agencies exempt from the requirements of the purchasing division be required to comply with certain sections for a limited purpose; providing that all agencies currently exempt from the requirement of the purchasing division remain exempt from the requirements; and providing for an effective date”; to the Committee on Government Organization.

By Delegates Storch, Pack, Criss, Householder and Fluharty:

H. B. 4821 - “A Bill to amend and reenact §27-5-10 of the Code of West Virginia, 1931, as amended, relating to providing that if individual who is mentally ill or a substance abuser requests to be taken to mental health facility or state hospital located in a county other than the county where the transportation originates, the county where the requested mental health facility or state hospital is located shall bear the costs of that transportation”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Hill:

H. B. 4822 - “A Bill to amend and reenact §16-5B-5a and §16-5B-6a of the Code of West Virginia, 1931, as amended, all relating to the licensure of hospitals; permitting hospitals to use other accrediting organizations which have been approved by the Centers for Medicare and Medicaid Services for accrediting purposes; clarifying and updating the number of consumer representatives on a hospital’s board of directors; and transferring certain enforcement authority from the Director of Health to the Secretary of Department of Health and Human Resources”; to the Committee on Health and Human Resources.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4823 - “A Bill to amend and reenact §24-6-3, relating to emergency 911 telephone system and wireless enhanced 911 fees; and requiring the Public Service Commission in cooperation with the State Auditor to develop a plan for periodic audits of the expenditure of the fees from these systems”; to the Committee on Government Organization.

By Delegates Boggs, Caputo, Angelucci and Longstreth:

H. B. 4824 - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to revising requirements relating to the issuance and renewal of handicap vehicle placards”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Wilson, Jennings, Toney, Dean, Bartlett, Hanna, J. Kelly, Waxman, Cooper and Bibby:

H. B. 4825 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to requiring students to compete only against students of the same biological gender in any athletic contests or competitions in public schools”; to the Committee on Education.

By Delegates Howell, Higginbotham, C. Martin, Fast, Hanna, Graves, Criss, Rodighiero, Hicks and Campbell:

H. B. 4826 - “A Bill to amend and reenact §5-16-23 of the Code of West Virginia, 1931, as amended, relating to permitting former members of the Legislature to remain eligible for insurance plans offered to state officers or employees; providing for certain conditions to remain eligible; and providing that the former member’s continued participation in the insurance plans offered to state officers and employees does not require the state to bear, absorb or otherwise raise costs associated with a former member’s continued participation”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Hansen:

H. B. 4827 - “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, §22-10A-10, and §22-10A-11, all relating to creating the Orphan Oil and Gas Well Prevention Act; making findings; providing for new, transferred and nonproducing wells; requiring operators to set aside plugging costs; establishing State Treasurer and Office of Oil and Gas responsibilities; establishing the responsibilities of previous operators; providing for consent of surface owners; and requiring rule-making”; to the Committee on Energy then Finance.

By Delegates Bates, Lavender-Bowe, Worrell and Pack:

H. B. 4828 - “A Bill to amend and reenact §5-16B-6c and §5-16B-6d of the Code of West Virginia, 1931, as amended, all relating to providing Children’s Health Insurance Program coverage by creating a Children’s Health Insurance Program buy-in program for children of families above 300 percent of the federal poverty level and who can pay the total cost”; to the Committee on Health and Human Resources then Finance.

By Delegates Dean, Campbell, C. Thompson, N. Brown, R. Thompson, Evans, Cooper, Toney and Paynter:

H. B. 4829 - “A Bill to amend and reenact §18-7D-3 of the Code of West Virginia, 1931, as amended, relating to allowing members of the State Teachers’ Defined Contribution Retirement System who previously had the opportunity to transfer to the State Teachers Retirement System and did not, to transfer to State Teachers Retirement System upon paying the appropriate amount”; to the Committee on Pensions and Retirement then Finance.

By Delegates Little, Criss, Foster, Hanna, D. Jeffries and Pack:

H. B. 4830 - “A Bill to amend and reenact §48-10-502 of the Code of West Virginia, 1931, as amended, relating to modifying the factors to be used by the court in making a determination as to whether to grant visitation to a grandparent”; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Hamrick, Cooper, Porterfield, Paynter, Higginbotham and Campbell:

H. B. 4831 - “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, and §16-5AA-5; all relating to establishing a comprehensive addiction recovery center certification and grant program in this state; providing for certification criteria; providing for eligibility criteria to receive a grant; providing for ranking priorities of grant applicants; providing for grant award limitations; providing for reporting requirements of grant recipients; providing for the creation of the Comprehensive Addiction Recovery Center Fund; providing for funding; providing for permitted expenditures from the fund; providing that money in the fund remains in the fund at the end of the fiscal year; and providing for an effective date”; to the Committee on Health and Human Resources then Finance.

By Delegate Hamrick:

H. B. 4832 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36B-3-120, relating to establishing additional requirements of unit owners’ associations”; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4833 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-15, relating to emergency telephone systems; and requiring annual reporting by county answering points to the Public Service Commission”; to the Committee on Government Organization.

By Delegates Hamrick, Howell, Foster, Porterfield and Waxman:

H. B. 4834 - “A Bill to amend and reenact §30-7-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-7A-5 of said code, all relating to prohibiting state nursing boards from limiting the number of students a nursing school may admit to the school”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Howell, Foster, Porterfield, Hamrick and Waxman:

H. B. 4835 - “A Bill to amend and reenact §30-1-19 of the Code of West Virginia, 1931, as amended, relating to requiring all

boards to be located in the same area and office space”; to the Committee on Government Organization.

By Delegate Barnhart:

H. B. 4836 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to requiring the West Virginia Secondary Schools Activities Commission to adopt and implement a ‘Heat and Humidity Practice Policy’ for all interscholastic athletic events of the students in public secondary schools”; to the Committee on Education.

By Delegates Canestraro, Hamrick, D. Kelly, Lovejoy, Miller and Shott:

H. B. 4837 - “A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3a of said code; to amend and reenact §17B-3-3c of said code; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person’s driver’s license to be suspended for the failure to pay court fines and costs; authorizing circuit clerk to record a judgment lien for unpaid fines and costs”; to the Committee on the Judiciary.

By Delegate S. Brown:

H. B. 4838 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-18-30; and to amend said code by adding thereto a new section, designated §37-6-31, all relating to requiring an owner to offer tenant right to purchase housing accommodations before selling to others; and requiring Housing Development Fund to create a program to assist tenants purchasing the property”; to the Committee on the Judiciary.

By Delegate S. Brown:

H. B. 4839 - “A Bill to amend and reenact §3-1-41 of the Code of West Virginia, 1931, as amended, relating to the procedures and standards for a board of canvassers to reasonably ascertain whether a provisional or challenged ballot must be counted at the canvass

of any election”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Steele:

H. B. 4840 - “A Bill to amend and reenact §15A-2-1 of the Code of West Virginia, 1931, as amended, relating to dividing pretrial detention jail costs between arresting authorities”; to the Committee on the Judiciary then Finance.

By Delegate Angelucci:

H. B. 4841 - “A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended, relating to public school faculty senates; and requiring that county boards of education provide a full day for faculty senate meetings every other month, replacing the current meetings schedule”; to the Committee on Education.

By Delegate S. Brown:

H. B. 4842 - “A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to exempting child-care programs for out-of-school time summer camp or summer day camps operated by county parks and recreation commissions, boards, and municipalities from the certification requirements for child-care”; to the Committee on Political Subdivisions then Government Organization.

By Delegate Barrett:

H. B. 4843 - “A Bill to amend and reenact §18-20-10 of the Code of West Virginia, 1931, as amended, relating to public school education assessment of students for dyslexia and dyscalculia; specifying State Board of Education and local school boards responsibilities relating to dyslexia and dyscalculia”; to the Committee on Education then Finance.

By Delegate Howell:

H. B. 4844 - “A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended, relating to reforming the fees charged to wireless telephone subscribers for public safety systems to comply with federal law; eliminating portions of the wireless enhanced 911 fee that are disbursed to state agencies;

establishing a corresponding public safety wireless fee; providing for the collection and disbursement of the public safety wireless fee; and authorizing the promulgation of legislative and emergency rules”; to the Committee on Finance.

By Delegate Angelucci:

H. B. 4845 - “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to increasing the community service hours a person may be ordered to perform upon conviction of or pleading guilty to littering in this state”; to the Committee on the Judiciary.

By Delegate Longstreth:

H. B. 4846 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-4A-35, relating to requiring the Secretary of State and the West Virginia Cybersecurity Office to run or use a penetration test for online election systems no later than one month before all elections”; to the Committee on Government Organization.

By Delegate Longstreth:

H. B. 4847 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to the powers of the West Virginia Commissioner of Highways; and requiring the commissioner to establish a website for state residents to submit road maintenance requests”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegate Campbell:

H. B. 4848 - “A Bill to amend and reenact §15-2A-2 of the Code of West Virginia, 1931, as amended, relating to retirement credit in the West Virginia State Police Retirement System for persons who served as law-enforcement officers in other public or private positions before becoming a member of the State Police”; to the Committee on Pensions and Retirement then Finance.

By Delegate Angelucci:

H. B. 4849 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-1f; to amend and reenact §18B-1-2 of said code; and to amend and

reenact §18B-1B-6 of said code; all relating to public higher education governance by establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission, and identifying Fairmont State University, Shepherd University and West Liberty University as exempted schools based on the matrix criteria”; to the Committee on Education.

By Delegates C. Martin, P. Martin, Dean, Fast, Steele, Foster, Hanna, Bibby and Shott:

H. B. 4850 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17, relating to creating a process by which voters may recall a county ordinance in a special election”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hornbuckle, Fluharty, Lovejoy, Zukoff, Lavender-Bowe and Rowe:

H. B. 4851 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-25A-1, §16-25A-2, and §16-25A-3, relating to screening for adverse childhood experiences; definitions and findings; mandatory insurance coverage”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Shott and Capito:

H. B. 4852 - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver, a controlled substance; and, increasing the penalty for methamphetamine”; to the Committee on the Judiciary.

By Delegates C. Martin, Hanshaw (Mr. Speaker), P. Martin and Butler:

H. B. 4853 - “A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a noninvestor-owned water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to

connect to the public utility to receive service”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Wilson:

H. B. 4854 - “A Bill to amend and reenact §18-5-2 of the Code of West Virginia, 1931, as amended, to changing the method of filling vacancies in county boards of education”; to the Committee on the Judiciary.

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

H. B. 4855 - “A Bill to amend and reenact §20-5-19 of the Code of West Virginia, 1931, as amended, relating to allowing discounts and free camping at state parks for certain resident veterans”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Householder:

H. B. 4856 - “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, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, and §6-9C-10, all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; and requiring certain action be taken by the State Auditor”; to the Committee on Political Subdivisions then Finance.

By Delegates Howell and Porterfield:

H. B. 4857 - “A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-14 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-7A-10 of said code; and to amend and reenact §30-14-11 of said code, all relating to the addition of mandatory, inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, registered professional nursing, and practical nursing so that licensees or registrants of those boards must report the professional incompetence or inability to practice of any licensee or registrant of any of those boards”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Steele, Higginbotham, Dean, Hill, Pack, Toney, McGeehan, Storch, Linville, Hamrick and Maynard:

H. B. 4858 - “A Bill to amend and reenact §60A-2-204 and §60A-2-210 of the Code of West Virginia, 1931, as amended, all relating to classifying ‘marihuana’ and tetrahydrocannabinols as a Schedule IV controlled substance; deleting marihuana and tetrahydrocannabinols from Schedule I listing; and adding these substances to the Schedule IV list under other substances”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4859 - “A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-4-14b of said code, all relating to accounting for state funds distributed to volunteer and part-volunteer fire companies and departments; clarifying that use of such moneys for debt reduction is authorized only if the debts were incurred for specified purposes; authorizing the investment of such moneys with certain restrictions; and amending the definition of ‘state funds accounts’”; to the Committee on Finance.

By Delegates Howell, C. Martin, Porterfield, Hamrick and Waxman:

H. B. 4860 - “A Bill to amend and reenact §30-13-3, §30-13-4, §30-13-5, and §30-13-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-22-3, §30-22-4, §30-22-5, and §30-22-8 of said code, all relating to discontinuing the West Virginia Board of Landscape Architects and transferring its duties and authority to the Board of Registration for Professional Engineers; renaming the Board of Registration for Professional Engineers as the Board of Registration for Professional Engineers and Landscape Architects and updating references thereto; adding two additional seats on this board to include a landscape architect and a lay member of the public; specifying qualifications for board members; providing for one consolidated special revenue account and terminating the Board of Landscape Architects Fund; transferring the Board of Landscape Architects duties and authority to the Board of Registration for Professional Engineers and

Landscape Architects; and clarifying that money received as fines shall be deposited as general revenue for the state”; to the Committee on Government Organization.

By Delegate Shott:

H. B. 4861 - “A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating generally to disqualification for public service retirement plan benefits, modifying the definition of less than honorable service, removing the exception of a misdemeanor from that aspect of less than honorable service involving impeachment and conviction; removing the requirement that the participant or former participant plead guilty or nolo contendere to felony criminal conduct to constitute less than honorable service; and providing that conviction of specified misdemeanor conduct related to the participant’s term in office or participant’s term of employment in public service constitutes less than honorable service”; to the Committee on the Judiciary.

By Delegates Hanna, Pack and Hill:

H. B. 4862 - “A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to including emergency response vehicles in the single fee program for EZ Pass transponders”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Howell and Waxman:

H. B. 4863 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-25-19, relating to termination of the West Virginia Nursing Home Administrators Licensing Board”; to the Committee on Government Organization.

By Delegates Howell and Waxman:

H. B. 4864 - “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 Delegates Foster, Howell, Waxman and Porterfield:

H. B. 4865 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-25, relating to requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures undertaken or proposed to be undertaken”; to the Committee on Government Organization.

By Delegates Howell and Porterfield:

H. B. 4866 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-418, relating to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy; providing penalties; establishing a sentencing guideline based upon quantity for certain controlled substances; authorizing the court to make the determination of applicable quantity; and authorizing the aggregation of quantities from all participants and members of the conspiracy”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Capito, Nelson, Robinson, Byrd, Pushkin, Skaff and Rowe:

H. B. 4867 - “A Bill to amend and reenact §21-5-5c of the Code of West Virginia, 1931, as amended, relating to psychophysiological detection of deception examinations by law-enforcement officers; authorizing law-enforcement officers with a Class II license to conduct examinations of employees of other law-enforcement agencies; and requiring certain legislative rules pertaining to psychophysiological detection of deception examinations to include a provision requiring video recording of the examinations”; to the Committee on the Judiciary.

By Delegates Foster, Howell, Porterfield and Waxman:

H. B. 4868 - “A Bill to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to restricting the authority of the Board of Barbers and Cosmetologists to

regulate the use of commonly available, retail beauty products”; to the Committee on Government Organization.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4869 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to requiring a public entity accepting a bid on a public construction contract or any other type of contract to notify every municipality and county in which the contractor or any of its subcontractors will be performing services under the contract of the existence of the contract”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Hornbuckle, Lovejoy, Doyle, Rohrbach, Lavender-Bowe, Longstreth, Skaff, Walker, Hansen, N. Brown and Rowe:

H. B. 4870 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to prohibiting certain devices which enhance a diesel-powered vehicle’s capacity to emit soot, smoke, or other particulate emissions; and creating misdemeanor offense with penalty”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rowe:

H. B. 4871 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2 and §5B-9-3, 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 Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Shott, Lovejoy, Capito, N. Brown and Canestraro:

H. B. 4872 - “A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all 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; providing that a prior conviction

under this section subjects a person to increased penalties; defines a prior conviction; and establishing that a judicial officer has discretion to impose a misdemeanor sentence”; to the Committee on the Judiciary.

By Delegate Rowe:

H. B. 4873 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11A-3-2a, relating to the right of municipalities and counties to buy real estate for delinquent taxes”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Angelucci:

H. B. 4874 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-2-12a, relating to eliminating the statute of limitations for claims arising from certain sex related injuries”; to the Committee on the Judiciary.

By Delegate S. Brown:

H. B. 4875 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g; and to amend said code by adding thereto a new section, designated, §33-25A-8u, all relating to requiring certain insurance providers to enter into provider service agreements with a health care provider that meets certain criteria”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Shott and Ellington:

H. B. 4876 - “A Bill to amend and reenact §18B-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-2A-4 of said code, all relating to updating the definition of ‘exempt schools’ to include institutions making such an election and updates the provisions on higher education accountability to exclude institutions making such an election”; to the Committee on Education.

By Delegates Hornbuckle, Lovejoy, Worrell, Mandt, Linville, Maynard, R. Thompson, Hicks, Miller, Rohrbach and Anderson:

H. B. 4877 - “A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring

November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash”; to the Committee on Government Organization.

By Delegates Hornbuckle, Lavender-Bowe, Rowe and Robinson:

H. B. 4878 - “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, and §16-3E-5, all relating to creating a policy on vaccine preventable diseases; requiring health care facilities to develop and implement a policy to protect its patients from vaccine preventable diseases; setting forth what a policy must contain; providing exceptions; establishing a disaster exemption; providing for penalties; defining terms; and requiring rule-making”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hornbuckle, Pushkin, Miller, Rohrbach and Zukoff:

H. B. 4879 - “A Bill to amend and reenact §18-2-25 and §18-2-25a of the Code of West Virginia, 1931, as amended, relating to granting jurisdiction to supervise youth sport league athletic events to county boards of education and the West Virginia Secondary School Activities Commission; requiring schools and youth sport leagues to implement certain safety measures during athletic events; authorizing fines; and requiring rulemaking”; to the Committee on Education then the Judiciary.

By Delegate Graves:

H. B. 4880 - “A Bill to amend and reenact §7-1-14 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §7-10-1a and §7-10-6; to amend and reenact §7-10-2 and §7-10-4 of said code; to amend said code by adding thereto two new sections, designated §19-20-12a and §19-20-27; to amend and reenact §19-20-22 and §19-20-26; to amend and reenact §61-8-19 of said code; and to amend said code by adding thereto two new sections, designated §61-8-19d and §61-8-19e, all relating generally to providing increased protections for the welfare of domestic animals; requiring facilities for the care of stray, abandoned, and surrendered animals and providing for

access by the public; defining terms; updating the duties of humane officers; specifying standards for the operation of animal shelters; requiring inspections; establishing sanctions for violation of the standards of operation; defining an owner's duty of care for companion animals; requiring an owner to confine unspayed female dogs in estrus; requiring dog breeders to provide written disclosures to purchasers; specifying minimum levels of care to be provided by dog breeders; defining when a dog is unfit for sale by a dog breeder and providing remedies therefor; increasing the penalty for a second offence of cruelty to animals; defining the criminal offenses of unlawful confinement of domestic animals and hoarding of animals; establishing criminal penalties; and providing for mental health treatment in certain circumstances involving hoarding of animals"; to the Committee on the Judiciary.

By Delegate Campbell:

H. B. 4881 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-6d, relating to permitting individuals who have certain qualifications to operate as tactical emergency medicine providers; permitting tactical emergency medicine providers to practice emergency medicine; and requiring rule-making"; to the Committee on Health and Human Resources.

By Delegates Espinosa, Barrett, Cowles, Hardy, Sponaugle, Williams and Householder:

H. B. 4882 - "A Bill to amend and reenact §60-8-3 of the Code of West Virginia, 1931, as amended, relating to unlicensed wineries not currently licensed or located in West Virginia temporarily authorizing limited sampling and temporarily authorizing the limited sale of wine for off-premises consumption at certain fairs and festivals and at certain one-day special licensed nonprofit events in a very limited capacity, per event, per year, in hopes that such wineries would eventually obtain a permanent winery or farm winery license in West Virginia"; to the Committee on Government Organization.

By Delegate Campbell:

H. B. 4883 - "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 Hanshaw (Mr. Speaker) and Miley:

H. B. 4884 - “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 Delegates Storch, Campbell, Lavender-Bowe, Hornbuckle, S. Brown, Walker, Skaff, Rowan, Sypolt, Fleischauer and Kump:

H. B. 4885 - “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 and Dorothy Vaughan Fair Pay Act’; honoring Katherine Johnson and Dorothy Vaughan; 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 prohibit or retaliate against an employee for disclosing his or her own wages or discussing or inquiring about other employees’ wages; and limiting employers’ inquiry into applicants’ wage and salary history”; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4886 - “A Bill to amend and reenact §17C-17A-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Public Service Commission and the Division of Highways to submit reports to the Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee and to the Joint Committee on Government and Finance concerning activity on the Coal Resource Transportation Road System”; to the Committee on Government Organization.

By Delegates Hanshaw (Mr. Speaker) and Miley:

H. B. 4887 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-12-5b, relating to revocation, cancellation, or suspension of business

registration certificates; providing procedures therefor; and specifying effective date”; to the Committee on Government Organization.

By Delegate Hamrick:

H. B. 4888 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, §19-38-8, §19-38-9, §19-38-10, and §19-38-11, all relating to enacting the Food Freedom Act; permitting the sale of homemade foods if certain conditions are met; setting forth purposes; making legislative findings; defining terms; providing exemptions; permitting investigations and consultations; preempting local laws; allowing for construction; and setting an effective date”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hornbuckle, Lovejoy, Fluharty, Doyle, Byrd and Hansen:

H. B. 4889 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, relating to collecting a tax from all manufacturers and distributors selling opium and opiate drugs and their derivatives and substances included as schedule II drugs in this state for funding drug addiction and prevention programs”; to the Committee on Health and Human Resources then Finance.

By Delegates Pack and Campbell:

H. B. 4890 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section designated §18-2-43, relating to the removal of standardized testing in public schools; providing for legislative findings; providing for a definition of standardized testing; providing for common standardized assessments used in this state; providing for removal of standardized testing with certain exceptions; providing for funding used for standardized testing be used for college-level readiness tests, such as the ACT and the SAT; and providing for an effective date”; to the Committee on Education.

By Delegate Capito:

H. B. 4891 - “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 on interest; providing for definitions; establishing the tax credit; providing for the tax credit to 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 Finance.

By Delegates Linville and Householder:

H. B. 4892 - “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold, and further reducing those rates when that threshold is reached again; establishing personal income tax reduction fund and providing for deposits into personal income tax reduction fund; specifying rate reductions; providing for deposits from personal income tax reduction fund into general revenue fund; and imposing duties on the State Tax Commissioner and other state agencies officers”; to the Committee on Finance.

By Delegate Campbell:

H. B. 4893 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, and §15-3E-5, all relating to establishing a Special Needs Registry; providing a short title; stating findings and declarations; establishing a Special Needs Registry program for emergency management agencies to better assist persons with physical, mental and cognitive impairments, or sensory disabilities; authorizing promulgation of rules; affirming the confidentiality of information and providing penalties for improper use of information; and providing immunity from civil or criminal liability”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Storch and Doyle:

H. B. 4894 - “A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the ‘Pay Transparency Act of 2020’; 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 prohibit employees from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee’s wages, benefits, or other compensation”; to the Committee on Industry and Labor then the Judiciary.

By Delegates S. Brown and Doyle:

H. B. 4895 - “A Bill amend and reenact §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to the contests of county, district, and municipal elections, establishing jurisdiction for said election contests with the circuit courts; setting forth procedures for election contests; establishing three-judge circuit courts as initial tribunals for hearing election contest proceedings; providing for appeals of such proceedings to the Supreme Court of Appeals; and establishing the authority of the Supreme Court of Appeals to establish rules and procedures for the conduct of county, district, and municipal election contest proceedings before the courts of the state”; to the Committee on the Judiciary.

By Delegate Mandt:

H. B. 4896 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1 and §16-59-2, all relating to oversight of syringe exchange programs by the Department of Health and Human Resources; providing syringe exchange program requirements for operation; requiring the Department of Health and Human Resources to incorporate operational requirements into grant agreements; providing for rulemaking; and providing for civil penalties and other remedies at law”; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate S. Brown:

H. B. 4897 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-125a, relating to the establishment of a Child Care Access Work Group; making legislative findings; establishing the work group within the Department of Health and Human Resources; defining membership; specifying duties; requiring the submission of a report; providing for administration, support, and reimbursement of members; and providing for automatic termination of the group”; to the Committee on Health and Human Resources then Finance.

By Delegate C. Thompson:

H. B. 4898 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, §11-29-6, §11-29-7 and §11-29-8, all relating to imposing a general data mining service tax on commercial data operators; making legislative findings; establishing a valuation method; establishing the rate of tax; requiring the proceeds be deposited into the Public Employees Insurance Agency Financial Stability Fund; requiring rule-making; and defining terms”; to the Committee on the Judiciary then Finance.

By Delegate Espinosa:

H. B. 4899 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-5g, relating to prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals; providing definitions; and providing exceptions”; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegate S. Brown:

H. B. 4900 - “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 Delegate Hornbuckle:

H. B. 4901 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, §18B-20-2, §18B-20-3, and §18B-20-4, all relating to creating the Mountaineer Games Sports League; establishing findings; establishing board of directors; creating duties and objectives for the board; establishing league affiliates; and creating structure for the divisions; creating the Mountaineer Games Governor’s Cup”; to the Committee on Health and Human Resources then Government Organization.

By Delegate S. Brown:

H. B. 4902 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto 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 Delegate S. Brown:

H. B. 4903 - “A Bill to amend and reenact §15A-4-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §28-5C-3; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in jails, regional jails or state correctional facilities and female juveniles in juvenile detention”; to the Committee on the Judiciary then Finance.

By Delegate S. Brown:

H. B. 4904 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, and §11-29-6, 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 Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate S. Brown:

H. B. 4905 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act, prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances”; to the Committee on the Judiciary.

By Delegate S. Brown:

H. B. 4906 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, relating to granting Purple Heart recipients, their spouses or unmarried widows, children and grandchildren a 100 percent tuition waiver to attend any West Virginia state college, university, community and technical college, education institution, vocational school and approved apprenticeship program; and providing that the waiver funds may be used for other expenses if certain conditions are met”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate S. Brown:

H. B. 4907 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, relating to granting members of a Gold Star Family a 100 percent tuition waiver to attend any West Virginia state college, university, community and technical college, education institution, vocational school and approved apprenticeship program; and providing that the waiver funds may be used for other expenses if certain

conditions are met”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate S. Brown:

H. B. 4908 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, relating to granting veterans, and spouses and children of a veteran with documented wartime service a 75 percent tuition waiver to attend any West Virginia state college, university, community and technical college, education institution, vocational school and approved apprenticeship program; and providing that the waiver funds may be used for other expenses if certain conditions are met”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate Hornbuckle:

H. B. 4909 - “A Bill to amend and reenact §21-3-11 of the Code of West Virginia, 1931, as amended, relating to requiring seats to be provided for employees”; to the Committee on Industry and Labor then the Judiciary.

By Delegate S. Brown:

H. B. 4910 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9A-5-1, relating to granting veterans, spouses and children of a verified veteran with an honorable, medical or other honorable condition discharge a 50 percent tuition waiver to attend any West Virginia state college, university, community and technical college, education institution, vocational school or approved apprenticeship program; and providing that the waiver funds may be used for other expenses if certain conditions are met”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegate S. Brown:

H. B. 4911 - “A Bill to amend and reenact §5A-10-3a of the Code of West Virginia, 1931, as amended, relating to regulation of parking on state-owned parking at or near the State Capitol; and providing that military veterans or gold star family members may not be charged fees at or near the State Capitol or fined for not paying fees for parking at meters on state-owned property”; to the

Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegate S. Brown:

H. B. 4912 - "A Bill to amend and reenact §15-1G-1, §15-1G-2, §15-1G-4, §15-1G-8, §15-1G-9 and §15-1G-10 of the Code of West Virginia, 1931, as amended, all relating to West Virginia service medals; providing for the award of the West Virginia distinguished service medal to recipients of the Purple Heart; and providing that there is full funding for the manufacture of the medals and awards approved by this article, together with the requirement that these service medals and awards are presented in an appropriate manner"; to the Committee on Veterans' Affairs and Homeland Security.

By Delegate S. Brown:

H. B. 4913 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-11A-1b, relating to providing a procedure for modification of a prison sentence when a person has served at least 10 years of a sentence"; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 4914 - "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing pay raises to public school teachers"; to the Committee on Education then Finance.

By Delegate Wilson:

H. B. 4915 - "A Bill to amend and reenact §6B-2-4 of the Code of West Virginia, 1931, as amended, relating to increasing the period for which violations may be considered from one year before the filing of a complaint to 10 years"; to the Committee on the Judiciary.

By Delegate S. Brown:

H. B. 4916 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §15A-4-13a, relating to charges assessed against inmates for services; providing that services includes reading books online, making or

receiving video calls, sending or receiving emails, making or receiving phone calls, or accessing news or other permissible media; and permitting the commissioner to assess a fee under certain conditions”; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 4917 - “A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to requirements for employment of nurses in public schools; changing student to school nurse staffing ratios; expanding its coverage to all grades; and elimination of the county’s ability to obtain contract services for nursing and mandate that every school must have at least one nurse”; to the Committee on Education then Finance.

By Delegate Miller:

H. B. 4918 - “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 Delegate Miller:

H. B. 4919 - “A Bill to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating to abstracts of judgments; requiring certain identifying information of the judgment debtor”; to the Committee on the Judiciary.

By Delegate Storch:

H. B. 4920 - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Commissioner of the Bureau for Public Health; and to require the commissioner to create a pilot program to provide reimbursement for dental care for adults at free and charitable clinics”; to the Committee on Health and Human Resources then Finance.

By Delegates Fluharty and Hornbuckle:

H. B. 4921 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-12, relating to authorizing student athletes to be compensated for use of their name, image or likeness; prohibiting state institutions of higher education from preventing a student athlete from use of the student’s name, image or likeness when the student is not engaged in official team activities; prohibiting athletic associations or other similar groups from preventing student athlete earning compensation for use of his or her name, image or likeness; prohibiting athletic associations or other similar groups from preventing a state institution of higher education from allowing a student athlete earning compensation from the use of his or her name, image or likeness; allowing the student athlete to obtain approved professional representation; and requiring the student athlete to disclose certain information to the state institution of higher education”; to the Committee on Education then the Judiciary.

By Delegates Storch, Westfall, Queen, D. Kelly, Phillips and Worrell:

H. B. 4922 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, §31-18F-6, §31-18F-7, §31-18F-8, §31-18F-9, and §31-18F-10, all relating to creating the ‘First Time Home Buyer Savings Account Act’; providing definitions; creating first time home buyer savings account; providing for subtractions from federal taxable income; providing limits applicable to subtraction from federal taxable income; penalties for withdrawal of funds; requiring financial institution to provide account holder information certificate; requiring Tax Commissioner to propose rules to implement this act; and stating years to which this act applies”; to the Committee on Finance.

By Delegates Caputo, Robinson, Fluharty, Evans, Cooper, Campbell, Hornbuckle, Pack, Pethel, Sponaule and Swartzmiller:

H. B. 4923 - “A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and

reenact §18-9A-8 of said code, all relating to professional counselor/student ratios; establishing a ratio of one counselor for every 250 students; and requiring that every public school in the state have at least one professional counselor”; to the Committee on Education then Finance.

By Delegate Kessinger:

H. B. 4924 - “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, §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 Women’s Health Protection Act; making findings; defining terms; establishing criminal and civil penalties; establishing licensing requirements for abortion clinics; providing for severability; requiring rule-making; and establishing an effective date”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kessinger and Hornbuckle:

H. B. 4925 - “A Bill to amend and reenact §18-28-4 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary Schools Athletic Commission to recognize private, parochial, or church schools or schools of a religious order or other nonpublic schools that meet the requirements of the West Virginia Secondary Schools Athletic Commission for nonparticipating school or team members”; to the Committee on Education.

By Delegate Kessinger:

H. B. 4926 - “A Bill to establish the emergency service authority for Fayette County; to provide such authority with power to plan and coordinate all emergency operations for Fayette County; to provide of appointment and compensation of members of the authority; and to provide for the support, maintenance, and operation of those emergency services”; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Linville:

H. B. 4927 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-2A-

9; and to amend and reenact §18B-4-2 of said code, all relating to transferring the West Virginia Network for Educational Telecomputing and all its property and personnel to the Board of Governors for Marshall University; and requiring it to be administered jointly by the board of governors and the state's Chief Technology Officer"; to the Committee on Technology and Infrastructure then Education.

By Delegate Lavender-Bowe:

H. B. 4928 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rule-making; establishing an effective date; providing for severability; and defining terms"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Shott:

H. B. 4929 - "A Bill to amend and reenact §44-3A-24 of the Code of West Virginia, 1931, as amended, relating to the administrative closing of stale or unprogressed estates"; to the Committee on the Judiciary.

By Delegate Pyles:

H. B. 4930 - "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 Angelucci and Longstreth:

H. B. 4931 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-

10b, relating to providing a tax credit for families who have foster children in their care”; to the Committee on Finance.

By Delegates Angelucci and S. Brown:

H. B. 4932 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24; and to amend said code by adding thereto a new section, designated §5-4-3, all relating to requiring the random drug testing of legislators and members of the Board of Public Works; requiring public disclosure of results or nonparticipation under certain circumstances; and generally requiring confidentiality”; to the Committee on the Judiciary.

By Delegate Shott:

H. B. 4933 - “A Bill to amend and reenact §44D-1-103, §44D-1-105, §44D-1-108, §44D-6-602, §44D-7-703 and §44D-8-808 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto 17 new sections, designated §44D-8A-801, §44D-8A-802, §44D-8A-803, §44D-8A-804, §44D-8A-805, §44D-8A-806, §44D-8A-807, §44D-8A-808, §44D-8A-809, §44D-8A-810, §44D-8A-811, §44D-8A-812, §44D-8A-813, §44D-8A-814, §44D-8A-815, §44D-8A-816, and §44D-8A-817, all relating to the administration of trusts; definitions; default and mandatory rules; principal place of administration; grantor’s powers and powers of withdrawal; cotrustees; and powers to direct; and enacting the West Virginia Uniform Directed Trust Act which specifies how trust directors can act concerning trusts in this state”; to the Committee on the Judiciary.

By Delegates Hanna and Porterfield:

H. B. 4934 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1F-1 and §30-1F-2, all relating to creation of the unlicensed practice review board; providing requirements for membership on the board; providing that licensing boards shall submit complaints they receive to the board; requiring the board to conduct hearings to determine if probable cause exists to take action; providing for alternative actions the board may take in making various determinations; and, establishing the board’s authority and scope”; to the Committee on Government Organization.

By Delegates Angelucci, Diserio, Walker, Lavender-Bowe, Estep-Burton, Longstreth and S. Brown:

H. B. 4935 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b relating to requiring the Commissioner of Highways to develop and make publicly available a searchable website with detailed information about current and planned Division of Highways projects”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Foster, Porterfield and Waxman:

H. B. 4936 - “A Bill to repeal §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 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-1A-7; and to amend and reenact §30-19-1 of said code, all relating to terminating the State Board of Registration of Foresters; providing deadlines to wind up activities of the board; transferring the assets and records of the board to the Division of Forestry; creating a special fund; authorizing rule-making; and providing for the transfer and disposition of board assets and funds”; to the Committee on Government Organization.

By Delegate Angelucci:

H. B. 4937 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to home school students; requiring an affidavit by the person or persons to be filed annually with the county superintendent an affirmation that all adult family members living in the home are the parents or legal guardians of the child or children, that the person, or person providing home instruction, have not committed child abuse or other crimes; providing that the person, or persons providing home instruction, are required to report any suspected child abuse to the county superintendent; and that academic assessments of home school students be submitted annually by their parent or guardian”; to the Committee on Education.

By Delegate Caputo:

H. B. 4938 - “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.

By Delegate Boggs:

H. B. 4939 - “A Bill to amend and reenact §18B-10-7a of the Code of West Virginia, 1931, as amended, relating to senior citizens attending college classes at state institutions without receiving college credit; reducing the fee for seniors to attend classes without college credit; and changing the age for being deemed a senior citizen”; to the Committee on Education then Finance.

By Delegate Pack:

H. B. 4940 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a tax credit for families who have foster children in their care”; to the Committee on Health and Human Resources then Finance.

By Delegates Angelucci, Longstreth, Lavender-Bowe, Walker, Staggers and S. Brown:

H. B. 4941 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a credit against personal income tax for classroom teachers for nonreimbursed costs of supplies; and setting a maximum credit of \$1,000”; to the Committee on Education then Finance.

By Delegates Angelucci, Campbell, Lavender-Bowe, Longstreth, Zukoff and Staggers:

H. B. 4942 - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to establishing that the educational instructional term for students shall begin no earlier than Labor Day”; to the Committee on Education.

By Delegates Hamrick, Longstreth, Angelucci, McGeehan and Queen:

H. B. 4943 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-

1f; to amend and reenact §18B-1-2 of said code; and to amend and reenact §18B-1B-6 of said code; all relating to public higher education governance by establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission, and identifying Fairmont State University, Shepherd University, and West Liberty University as exempted schools based on the matrix criteria”; to the Committee on Education.

By Delegate Rowe:

H. B. 4944 - “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44A-6-1, §44A-6-2, §44A-6-3, §44A-6-4, and §44A-6-5; and amending and reenacting §51-2A-2 of said code, all relating to establishing a procedure to name a kinship legal guardian; defining terms; establishing eligibility to file a petition; describing required contents for a petition; bestowing family court jurisdiction; setting fee; providing for review of petition without hearing and entry of an order of approval; and describing the scope and effect of an order of approval”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Wilson:

H. B. 4945 - “A Bill to amend and reenact §62-14-3 of the Code of West Virginia, 1931, as amended, relating to creating a criminal penalty for an agent or sworn officer who refuses or fails to enforce, or who interferes with the enforcement of, the Compact Agreement on Detainers in immigration cases”; to the Committee on the Judiciary.

By Delegates Angelucci, Longstreth and Caputo:

H. B. 4946 - “A Bill to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy in a municipal police department not filled by promotion, reinstatement or reduction”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Angelucci, Campbell, Longstreth and S. Brown:

H. B. 4947 - “A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Angelucci, Lavender-Bowe, Longstreth, Walker and S. Brown:

H. B. 4948 - “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 Porterfield, Hanna and Hamrick:

H. B. 4949 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated as §29-30-1, §29-30-2, §29-30-3, §29-30-4, §29-30-5, §29-30-6, §29-30-7, §29-30-8, §29-30-9 and §29-30-10, all relating to creating the Occupational Board Reform Act; creating the Office of Supervision of Occupational Boards; providing the Attorney General’s Consumer Protection Division with the authority to establish the office; establishing the office’s responsibilities; giving the office the authority to actively supervise state occupational boards; authorizing the office to play a substantial role in the development of an occupational board’s rules and policies, including the approval and disapproval of proposed rules or policies in certain instances; providing for review and oversight by the Attorney General; requiring the Speaker of the House of Delegates and the President of the Senate to establish a position in the nonpartisan research staff to analyze occupational rules; providing for the Legislature’s analysis of occupational rules; providing a short title; establishing its policy; providing for avoidance of liability under federal anti-trust laws; defining terms;

providing for statutory interpretation; providing for petitions for review of criminal history; providing for preemption; and providing an effective date”; to the Committee on Government Organization.

By Delegates Angelucci, Lavender-Bowe, Longstreth, Walker and S. Brown:

H. B. 4950 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18d, relating to requiring county boards of education to provide one social worker for each 1000 students”; to the Committee on Education then Finance.

By Delegates Angelucci, Diserio, Walker, Lavender-Bowe and Estep-Burton:

H. B. 4951 - “A Bill to amend and reenact §3-8-5c and §3-8-8 of the Code of West Virginia, 1931, as amended, all relating to limiting individual contributions to a political candidate to \$1,000; and prohibiting all contributions to a corporation’s political action committee”; to the Committee on the Judiciary.

By Delegates Angelucci, Pyles, S. Brown, Walker and Stagers:

H. B. 4952 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-24a, relating to granting tax credits for employees of the West Virginia Department of Health and Human Resources Child Protective Services; and providing rule-making authority”; to the Committee on Health and Human Resources then Finance.

By Delegate Hanshaw (Mr. Speaker):

H. B. 4953 - “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 §24-2-1, §24-2-4a, and §24-2-11 of said code; and to amend said code by adding thereto a new article, designated §24-2H-1, §24-2H-2, §24-2H-3, §24-2H-4, §24-2H-5, §24-2H-6, §24-2H-7, §24-2H-8, and §24-2H-9; and to amend and

reenact §31-15A-9 of said code, all relating to authorizing the Public Service Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility 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 public service districts and 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; adding language to allow the commission to order the acquisition of failing water and wastewater utilities; and allowing water and/or wastewater utilities access to public funds at below market rates and grants to repair, replace and improve acquired failing utilities”; to the Committee on the Judiciary then Finance.

By Delegate Barnhart:

H. B. 4954 - “A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-3 and §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend and reenact §17C-11-1 and §17C-11-2 of said code, all relating to electric bicycles; defining electric bicycles and classes thereof; amending the definitions of motor vehicle, motorcycle and moped; providing that electric bicycles are subject to traffic laws to the same extent as bicycles; making operators of electric bicycles subject to the same special laws regarding bicycles; and prohibiting anyone under the age of 16 from operating class 3 electric bicycles on public roads”; to the Committee on Technology and Infrastructure then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for S. B. 46, Defining “pepper spray” and exempting from definition of “deadly weapons”; 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. 135**), 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: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 46) passed.

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

Com. Sub. for S. B. 364, Authorizing Department of Transportation promulgate legislative rules; 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. 136**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter and Steele.

Absent and Not Voting: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 364) passed.

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

On this question, the yeas and nays were taken (**Roll No. 137**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter and Steele.

Absent and Not Voting: Estep-Burton and Linville.

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. 364) 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 S. B. 470, Relating to use of crossbow to hunt; 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. 138**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hardy, Pack and Paynter.

Absent and Not Voting: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 470) passed.

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

Com. Sub. for S. B. 487, Providing exception that all DNR payments be deposited within 24 hours; 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. 139**), 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: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 487) passed.

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

Com. Sub. for S. B. 500, Relating to Class Y special crossbow hunting permit; 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. 140**), 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: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 500) 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 S. B. 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR; 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. 141**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Worrell.

Absent and Not Voting: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 501) 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. 4069, West Virginia Student Religious Liberties Act; on third reading, coming up in regular order, with an amendment pending, was reported by the Clerk.

The bill was advanced to third reading on yesterday with an amendment offered by Delegate Pushkin pending, as follows:

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

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

Delegate Pushkin asked unanimous consent to reform the amendment, which consent was not granted, objection being heard.

Delegate Pushkin then moved to reform the pending amendment and, subsequently, withdrew the motion.

Delegate Pushkin then moved to amend the pending amendment by striking out the proviso and inserting in lieu thereof the following:

“*Provided*, That a student may express disagreement and offer opposing views regarding any issue based on religious beliefs, but may not be excused from answering a test question or other assignment correctly because the answer to that question that was

provided in course content is counter to the religious beliefs of the student.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 142**), and there were—yeas 59, nays 39, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bibby, N. Brown, Butler, Cadle, Cooper, Criss, Dean, Fast, Foster, Hamrick, Hardy, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Little, Mandt, C. Martin, P. Martin, Maynard, Paynter, Phillips, Porterfield, Rowan, Steele, Toney, Waxman, Wilson and Worrell.

Absent and Not Voting: Estep-Burton and Linville.

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

The question now being adoption of the amendment, as amended, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 143**), and there were—yeas 68, nays 30, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Dean, Fast, Foster, Hardy, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kump, Mandt, C. Martin, P. Martin, Maynard, Paynter, Phillips, Porterfield, Steele, Toney, Waxman, Wilson and Worrell.

Absent and Not Voting: Estep-Burton and Linville.

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

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. 144**), and there were—yeas 76, nays 22, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Byrd, Capito, Diserio, Doyle, Espinosa, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Miley, Nelson, Pushkin, Pyles, Rowe, Storch, C. Thompson, Walker, Westfall and Williams.

Absent and Not Voting: Estep-Burton and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4069) 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. 35, Limiting civil penalty for littering conviction to \$2,000; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Pethtel and Shott, the bill was amended on page four, subsection (c), subdivision (1), line eighty-five, after the words “penalty of”, by striking out the words “up to \$2,000”, and inserting the words “not less than \$200 nor more than \$2,000”.

The bill was then ordered to third reading.

S. B. 321, Relating to collection of tax and priority of distribution of estate or property in receivership; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 449, Authorizing Department of Commerce promulgate legislative rules; on second reading,

coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Pensions and Retirement, was reported by the Clerk and adopted, amending the bill on page one, section twenty-eight-a, line one, by striking out "death of the last remaining retiree or beneficiary receiving benefits under a policemen's pension and relief fund or a firemen's pension and relief fund, the assets remaining in the fund, if any, shall be transferred to the municipality" and inserting in lieu thereof "cessation of any and all benefit payments to retirees or retiree beneficiaries because of death or disqualification, the board shall transfer the remaining assets of a policemen's pension and relief fund or a firemen's pension and relief fund to the municipality".

The bill was then ordered to third reading.

H. B. 4178, Requiring calls which are recorded be maintained for a period of five years; 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. 4478, Creating a lifetime ban for commercial drivers involved in human trafficking; 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. 4544, Relating to possession of any controlled substance on the premises of or within 200 feet of a public library; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4551, Relating to subsidized adoption; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4576, Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4647, Relating to limited video lottery permit holders; 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, was read a first time and ordered to second reading:

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

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

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

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

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

Com. Sub. for H. B. 4398, Relating to required courses of instruction,

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

Com. Sub. for H. B. 4615, West Virginia Critical Infrastructure Protection Act,

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

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

And,

H. B. 4790, Relating to Career Technical Education for middle school students.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Linville.

Remarks by Members

Speaker Pro Tempore Cowles in the Chair

Delegate Porterfield was addressing the House when Delegate Pack arose to a point of order regarding the content of the remarks of the Member relative to House Rule 32.

To which point the Speaker Pro Tempore instructed the Delegate to observe decorum in comments.

Mr. Speaker, Mr. Hanshaw, in the Chair

Miscellaneous Business

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

- Delegate Caputo during Remarks by Members
- Delegate Williams during Remarks by Members
- Delegate Sponaugle during Remarks by Members

- Delegate S. Brown during Remarks by Members
- Delegate Walker during Remarks by Members
- Delegate Porterfield during Remarks by Members
- Delegate Pushkin and Delegate D. Kelly regarding the wounded Charleston Police Officer

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

- Delegate Kump for H. B. 4670 and H. J. R. 29
- Delegate Espinosa for H. B. 4406
- Delegate Williams for H. B. 4737
- Delegate Rohrbach for H. B. 4718
- Delegate Queen for H. B. 4621
- Delegate Mandt for H. B. 4422
- Delegate Bartlett for H. B. 4662

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

- Delegate Pack for H. B. 4781

At 1:28 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 12, 2020.

Wednesday, February 12, 2020

THIRTY-SIXTH 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 11, 2020, 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. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation,

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

Com. Sub. for H. B. 4666 - "A Bill to amend and reenact §8-27-23 of the Code of West Virginia, 1931, as amended, relating to competitive bids for intergovernmental relations and urban mass transportation systems; increasing the contract sum that requires competitive bidding; and providing that competitive bidding is not required by certain urban transit authorities,"

With the recommendation that the committee substitute do pass.

Delegate Graves, 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. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System,

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. 4363) was referred to the Committee on Finance.

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

By Delegates Householder, Barrett, Criss, Espinosa, Cowles, Boggs, Graves, Anderson, Hartman and Pack:

H. B. 4955 - "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 fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; eliminating the partial fee deposits in the Courthouse Facilities Improvement Fund for both licenses; reducing the fee deposits for both licenses into the Concealed Weapons License Administration Fund, and exempting honorably discharged veterans of the armed forces of the United States from payment of certain fees for state licenses to carry concealed deadly weapons."

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. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly,

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

Com. Sub. for H. B. 2961 - “A Bill to amend and reenact 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 on certain categories of facilities; requiring the appropriate water utility to maintain the backflow prevention assembly; providing for consumer choice; requiring risk assessment; requiring the water utility to provide information relating to maintenance and necessity for any backflow prevention assembly; and providing for exemptions,”

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. 4718, West Virginia Indian Tribes Recognition 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. 4718) was referred to the Committee on the Judiciary.

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

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

H. B. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster,

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

Com. Sub. for H. B. 4123 - “A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-5 of said code, all relating to 911 telecommunication workers; defining terms; providing that emergency telephone systems be staffed with trained individuals; and providing that telecommunication workers be considered first responders,”

H. B. 4387, Donated Drug Repository Program,

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

Com. Sub. for H. B. 4387 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, §60A-12-4, §60A-12-5, §60A-12-6 , §60A-12-7 and §60A-12-8, all relating to creating the Donated Drug Repository Program; requiring the West Virginia Board of Pharmacy to administer the program; setting forth eligible drugs; setting forth eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and permitting rule-making,”

H. B. 4546, Relating to tuberculosis testing for school superintendents,

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

Com. Sub. for H. B. 4546 - “A Bill to amend and reenact §18-4-2 of the Code of West Virginia, 1931, as amended, relating to tuberculosis testing for school superintendents; removing

requirement for biennial screenings; and adding permissive screenings based upon suspicion of exposure,”

H. B. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening,

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

Com. Sub. for H. B. 4581 - “A Bill to amend and reenact §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, and §16-49-8 of the Code of West Virginia, 1931, as amended, all relating to employment screening; including the screening of West Virginia Department of Health and Human Resources employees in the background check process; and streamlining the variance procedures,”

And,

H. B. 4620, Redefining definition of “recovery residence”,

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

Com. Sub. for H. B. 4620 - “A Bill to amend and reenact §16-59-1 and §16-59- 2 of the Code of West Virginia, 1931, as amended, relating to certification of recovery residences; defining terms; clarifying that certain state code still are applicable,”

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 4723, Permitting a certified behavioral analyst to be eligible for the student loan repayment 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. 4723) was referred to the Committee on Finance.

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

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

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines,

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

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

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

H. B. 2732, Defend the Guard Act,

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

Delegate Byrd arose and requested that a fiscal note be attached to the bill and the Speaker asked the Chair of the Committee on the Judiciary to take this request under advisement.

Delegate McGeehan moved to dispense with the second reference to the Committee on the Judiciary.

On this motion, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 61, nays 37, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Atkinson, Barrett, Bartlett, Bibby, Boggs, Byrd, Canestraro, Caputo, Cowles, Ellington, Estep-Burton, Fast, Fleischauer, Foster, Hardy, Hartman, Higginbotham, Hill, Hott, Jennings, D. Kelly, J. Kelly, Longstreth, Mandt, C. Martin, Miller, Nelson, Pethtel, Robinson, Rohrbach, Rowan, Rowe, Skaff, Tomblin, Walker, Waxman and Zukoff.

Absent and Not Voting: Espinosa and Linville.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

The bill was then 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. 4176, West Virginia Intelligence/Fusion Center Act,

And,

H. B. 4485, Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4176 and H. B. 4485) were each 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:

Com. Sub. for S. B. 534, Removing workers' compensation exclusion for temporary legislative employees,

And,

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act,

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. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home,

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

Com. Sub. for H. B. 4101 - "A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home,"

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. 4067, Relating to crimes against property,

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

Com. Sub. for H. B. 4067 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-13-3a, relating to crimes against property; creating the crime of theft of rental, leased, leased-purchased, or loaned property; creating certain evidentiary presumptions related to intent; defining ‘proper notice’ for a written demand for return of property; requiring a written demand for return of the property; establishing property replacement value to determine the value of the theft; creating misdemeanor and felony offenses; providing penalties; and, establishing the agreements to which this section applies,”

H. B. 4670, Relating to the juvenile restorative justice programs,

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

Com. Sub. for H. B. 4670 - “A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; establishing that a juvenile may be diverted to a restorative justice program at any time when beneficial; providing definitions; clarifying elements of a juvenile restorative justice program; and, establishing additional features of a voluntary restorative justice program,”

And,

H. B. 4690, Relating to solid waste facilities,

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

Com. Sub. for H. B. 4690 - “A Bill to amend and reenact §22-15-2 and §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-19 of said code; to amend and reenact §22-16-4 of said code; and to amend and reenact §22C-4-2 and §22C-4-30 of said code, all relating to solid waste facilities; specifying that a solid waste facility that accepts solid waste owned and transported at least eighty percent by rail is not a commercial solid waste facility; conforming definition of commercial solid

waste facility in articles relating to recycling assessment fees, solid waste landfill assistance programs, and county and regional solid waste authorities; and providing for exemption of such facilities from solid waste assessment interim fees,”

With the recommendation that the committee substitutes each 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. 4439, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production,

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. 4439) was referred to the Committee on Finance.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 311, Relating to court-ordered community service,

And,

Com. Sub. for S. B. 357, Authorizing Department of Revenue promulgate legislative rules.

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 11th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

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. 97 - “A Bill to amend and reenact §51-9-10 of the Code of West Virginia, 1931, as amended, relating to adding a delay by the Governor in filling a judicial vacancy as an additional circumstance in which a senior judge or justice may continue to receive per diem compensation after the judge or justice has already received the amount of the annual salary of a sitting circuit judge”; 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, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 131 - “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; creating the Tim Tebow Act; setting forth purpose; defining terms; including Tebow students as students instructed at home or 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; permitting Tebow students to participate in

extracurricular activities sponsored by, or engaged in by, a member school that the students would be authorized to attend; making a Tebow student who leaves a member school during the school year subject to the same transfer protocols that apply to any other member-to-member transfer; setting forth conditions for participation; allowing participation in curricular activities if a requirement of the extracurricular activity; setting forth provisions pertaining to fair treatment of Tebow students; requiring that any insurance provided by a district school board for participants in extracurricular activities cover a participating Tebow student; and clarifying that section does not guarantee that a student trying out for an interscholastic sport or other extracurricular activity that is under the authority of the West Virginia Secondary School Activities Commission will make the team or become part of another extracurricular 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 208 - “A Bill to amend and reenact §46A-6J-2 and §46A-6J-3 of the Code of West Virginia, 1931, as amended, all relating to the protection of consumers from price gouging and unfair pricing practices during and shortly after a state of emergency; amending definition of ‘state of emergency’; and authorizing the Governor to periodically review the scope and the time period for which prices for certain goods may not be changed following a state of emergency”; 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. 517 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5A-1 and §20-5A-2, all relating to State Parks and

Recreation Endowment Fund; establishing fund; providing for deposits; providing terms for expenditures; requiring investment of fund assets; and establishing board of trustees to administer fund”; 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. 575 - “A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site to accept physical custody of a child who is 30 days old or younger from a parent or individual who has lawful custody of the child; and establishing criteria for the fire department as a safe-surrender site”; which was referred to the Committee on Health and Human Resources.

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. 607 - “A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner, operator, and insurance information for all persons involved in a crash with all other owners and operators involved in the crash who are requesting such information”; 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. 618 - “A Bill to amend and reenact §17-23-4 of the Code of West Virginia, 1931, as amended, relating to conforming West Virginia law to federal distance requirements for location of salvage yards within 1,000 feet of an occupied private residence in a residential community; and removing outdated terminology”; 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. 654 - “A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to allowing certain sheriffs to transfer from the Public Employees Retirement System into the Deputy Sheriff Retirement System”; 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. 657 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to authorizing the Department of Commerce to assist qualifying tourism development projects and tourism development expansion projects in the creation of tourism development districts by approved companies; preempting rights of certain municipalities; limiting certain rights of a municipality’s home rule powers; establishing requirements of application for and designation of tourism development districts; providing that decision of development office regarding establishment of tourist development district is final; restricting number of such districts; providing for termination of tourism development districts; exempting districts and projects within them from certain municipal regulation and requirements; establishing that projects within tourism development districts are required to pay various taxes and comply with certain state laws, state building code, and inspection standards of development office; requiring Department

of Transportation to participate in tourism development projects; providing that failure to continue the Tourism Development Act does not affect the provisions of this section and created tourism development districts; requiring rulemaking and promulgation of emergency rules; and providing severability”; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Higginbotham, Steele, Bartlett, Barnhart, Howell, C. Martin, Dean, Rowan, Kump, Ellington, Hott, D. Kelly, Linville, Mandt and Pack offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 10 - “Expressing concern of the House of Delegates to the need to create patient navigation, psychosocial and survivorship support services and programs for childhood cancer patients and their families in West Virginia.”

Whereas, An estimated 13,500 children and adolescents under the age of 20 are diagnosed with cancer each year; and

Whereas, In 1960, only four percent of children with cancer survived more than five years, but today, cure rates have increased to over 80 percent for children and adolescents under the age of 20; and

Whereas, The population of survivors of childhood cancers has grown dramatically, to over 360,000 individuals of all ages as of 2012; and

Whereas, As many as two thirds of childhood cancer survivors are likely to experience at least one late effect of treatment, with as many as one-fourth experiencing a late effect that is serious or life-threatening, with the most common late effects of childhood cancer being neurocognitive, psychological, cardiopulmonary, endocrine and musculoskeletal effects, and secondary malignancies; and

Whereas, As a result of disparities in the delivery of cancer care, minority, low-income, and other medically underserved

children are more likely to be diagnosed with late-stage disease, experience poorer treatment outcomes, have shorter survival time with less quality of life, and experience a substantially greater likelihood of cancer death; and

Whereas, As the late effects of cancer treatment may change as therapies evolve, which means that the monitoring and care of cancer survivors may need to be modified on a routine basis; and

Whereas, There is a lack of standardized and coordinated psychosocial care, survivorship education on long term effects and available long term clinics in West Virginia for the children and their families, from the date of diagnosis through treatment and survivorship; therefore, be it

Resolved by the House of Delegates:

That an organized system of care and a method of care for pediatric cancer survivors is needed; and, be it

Further Resolved, That this state needs focused efforts to collaborate, communicate, and research using assessment and customer service forms with parents and children during and after treatment into survivorship, during their hospital stay and after they enter their communities, and to help remove barriers to cancer care and answer questions about the optimal ways to provide health care, follow-up monitoring services, support services and helping integrate them back into the health care facilities if they relapse during their survivorship journey; and, be it

Further Resolved, That the House of Delegates believes that there is a need to create patient navigation, psychosocial, and survivorship support services and programs for childhood cancer patients and their families in West Virginia to contribute to improvements in the quality of care and quality of life of those individuals.

Delegates 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. 80 - “Requesting the Division of Highways name bridge number 21-017/00-001.57 (21A047), (38.96916, -80.64882), locally known as Copley Bridge, carrying CR 17 over Cove Lick in Lewis County, the ‘U. S. Army Major Michael Alphonse Rafferty Memorial Bridge’.”

Whereas, Michael Alphonse Rafferty was born December 24, 1903, in Lewis County, West Virginia, to William and Mary Cummings; and Michael Rafferty was the fourth of eight children, his siblings consisting of four brothers (James T., Daniel T., William, and Bernard J.) and three sisters (Mary Irene, Bridget Regina, and Margaret C.). He graduated from St. Patrick’s High School in Weston before pursuing his college work at West Virginia University, Duquesne University (Pittsburgh), and Rush Medical College (Chicago). Michael Rafferty received a degree in pharmaceutical chemistry from WVU in 1929 and taught biochemistry at the medical school from 1929 to 1941. During that time he also attended Rush Medical College, graduating in 1937. In 1941, Rafferty took a position in chemical and medical research at Miles Laboratories in Elkhart, Indiana.

Whereas, Michael Alphonse Rafferty enlisted in the service on June 2, 1942, as a Captain in the Medical Corps. He was stationed at Fort Benjamin Harrison, Indiana; Fort Custer, Michigan; and Fort Dix, New Jersey, where he was promoted to Major on November 1, 1943, and assigned to the 15th General Hospital. Major Rafferty was sent overseas to England in February 1944 and later served in France and at Liege, Belgium; and

Whereas, According to a 1945 news release from the public relations section of the hospital, the 15th General Hospital was the first U.S. hospital at Liege and served as an evacuation hospital for the First and Ninth Army battle casualties and had been occupied by the Germans until September 1944. After the Germans were forced out, the city endured bombardments by more than 1,000 German V-1 and V-2 bombs until the end of World War II. One period of heavy bombing occurred in late November 1944. On November 24, 1944, the day Major Rafferty was killed, the hospital took a direct hit from a German bomb. The body of Maj. Michael

Alphonse Rafferty was returned to the United States in 1949 and interred at Arlington National Cemetery on April 14; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Major Michael Alphonse Rafferty 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 21-017/00-001.57 (21A047), (38.96916, -80.64882) locally known as Copley Bridge, carrying CR 17 over Cove Lick in Lewis County, the “U. S. Army Major Michael Alphonse Rafferty Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army Major Michael Alphonse Rafferty 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, Shott, Lovejoy, D. Kelly, Robinson, Canestraro, N. Brown, Boggs, Pethel, Barrett, Pack, Byrd, Campbell, Criss, Diserio, Estep-Burton, Evans, Foster, Hansen, Hicks, Hornbuckle, J. Jeffries, Little, McGeehan, Queen, Rodighiero, Skaff, Staggers, Summers, Swartzmiller, C. Thompson, Tomblin, Toney, Walker, Westfall, Wilson and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

H. C. R. 81 - “Requesting that the State of West Virginia introduce itself as a firearms-friendly state to firearms manufacturers and manufacturers of firearms accessories who may be seeking locations for new or relocated manufacturing facilities.”

Whereas, Some states have enacted laws or are considering enacting laws that would prohibit the possession of certain firearms or of certain firearms accessories; and

Whereas, These laws may make it impossible for existing manufacturers to remain, or legally do business, in those states; and

Whereas, Many firearms and firearms accessory manufacturers are examining options for relocating their manufacturing to a more firearms-friendly location; and

Whereas, West Virginia is a firearms-friendly state with a good legal infrastructure for firearms possession, use, and manufacture; and

Whereas, West Virginia has a workforce of people with a strong work ethic, with a culture of firearms knowledge and tolerance as well as patriotism for their country; and

Whereas, West Virginia offers available space and opportunities for growth, natural beauty like no other state, and a great place to live, work and raise a family; therefore, be it

Resolved by the Legislature of West Virginia:

That the State of West Virginia introduce itself to firearms manufacturers and manufacturers of firearms accessories as a firearms-friendly state, who may be seeking locations for new or relocated manufacturing facilities; and, be it

Further Resolved, That the Governor and Secretary of Commerce are encouraged to coordinate and develop contacts with manufacturers of firearms and firearm accessories in other states and be available to present this resolution as evidence of the willingness of West Virginia to present opportunities for locating within the state; and, be it

Further Resolved, That these officials are urged to actively seek out any manufacturers of firearms and firearms accessories to encourage them to move to West Virginia and to aid these

manufacturers in relocation in whatever way may be possible; and, be it

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

And,

Delegates R. Thompson, Hicks, Rodighiero, Tomblin and Lovejoy offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 82 - "Requesting the Division of Highways name a portion of Buffalo Creek Road, CR7, along the 2.59 miles between WV75 and Rice Branch Road CR14/1 in Wayne County, the 'In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free'."

Whereas, Mary Ola "Tootsie" Hensley lived on Buffalo Creek since the early 1960s, where she and her husband raised four children; and

Whereas, Tootsie was a faithful member of the Buffalo Missionary Baptist Church where she was a faithful Sunday school teacher, AWANA leader, vacation bible school teacher, helper at the annual church camp, and Treasurer of the Women's Missionary Society; and

Whereas, Tootsie worked with the Wayne County Special Olympics at their field day for nearly 20 years; and

Whereas, Tootsie singlehandedly worked to keep Buffalo Creek litter free where she could be seen on any given day walking the roadside picking up litter from Rocky Tops Pizza to the Buffalo Valley Missionary Baptist Church, a 2.59-mile stretch; and

Whereas, Tootsie died unexpectedly on May 22, 2019, and is deeply missed by members of her church and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Tootsie Hensley and her contributions to her church 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 Buffalo Creek Road, CR7, between WV 75 and Rice Branch Road CR14/1, in Wayne County, “In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as “In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free”; and, be it

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

Further Resolved, That six small plaques be made and given at a dedication ceremony to each family member and to the Buffalo Valley Missionary Baptist Church.

Special Calendar

Third Reading

Com. Sub. for S. B. 35, Limiting civil penalty for littering conviction to \$2,000; 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. 146**), and there were—yeas 85, nays 9, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: N. Brown, Hardy, Hicks, J. Jeffries, Lovejoy, C. Martin, P. Martin, Paynter and R. Thompson.

Absent and Not Voting: Anderson, Espinosa, J. Kelly, Linville, Rodighiero and Swartzmiller.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 35) passed.

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

Com. Sub. for S. B. 35 – “A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to not less than \$200 nor more than \$2,000.”

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

S. B. 321, Relating to collection of tax and priority of distribution of estate or property in receivership; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 147**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: McGeehan and Wilson.

Absent and Not Voting: S. Brown, Espinosa, Hartman, Lavender-Bowe, Linville, Longstreth and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 321) passed.

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

Com. Sub. for S. B. 449, Authorizing Department of Commerce promulgate legislative rules; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Porterfield arose to points of order regarding the use of profanity on the floor of the House and communication regarding legislation on the floor by a former member.

To which points, the Speaker replied that the Rules prohibit profanity in debate and address registered lobbyists, but are silent in regard to the issues raised as they relate to former members.

Delegate Porterfield moved that the floor privileges for former Delegate Mike Folk be revoked.

On this motion, the yeas and nays were taken (**Roll No. 148**), and there were—yeas 3, nays 95, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Cooper, Fast and Porterfield.

Absent and Not Voting: Espinosa and Linville.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

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. 149**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Espinosa, Linville and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 449) passed.

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

On this question, the yeas and nays were taken (**Roll No. 150**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: P. Martin and Paynter.

Absent and Not Voting: Espinosa, Linville and Worrell.

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. 449) 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 S. B. 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary; 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. 151**), 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: Espinosa, Linville and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 532) passed.

An amendment to the title of the bill, recommended by the Committee on Pensions and Retirement, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 532 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death or disqualification of the last remaining retiree or beneficiary receiving benefits from the fund; providing

for the use of the assets received by the municipality; and providing for the use of assets received by the Municipal Pensions Oversight Board.”

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

H. B. 4178, Requiring calls which are recorded be maintained for a period of five years; 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. 152**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Mandt and Paynter.

Absent and Not Voting: Angelucci, Espinosa and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4178) 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. 4478, Creating a lifetime ban for commercial drivers involved in human trafficking; 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. 153**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Espinosa and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4478) 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. 4544, Relating to possession of any controlled substance on the premises of or within 200 feet of a public library; 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. 154**), and there were—yeas 77, nays 21, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hill, Hornbuckle, Lavender-Bowe, Pushkin, Pyles, Rowe, Sponaugle, Staggers, Walker, Williams and Wilson.

Absent and Not Voting: Espinosa and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4544) 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. 4576, Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; 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. 155**), 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: Cadle, Espinosa, Lavender-Bowe, Linville, Nelson, Skaff and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4576) 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. 4647, Relating to limited video lottery permit holders; 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. 156**), and there were—yeas 80, nays 16, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Bibby, Fast, Graves, D. Jeffries, Jennings, Kump, McGeehan, Paynter, Porterfield, Rowan, Sypolt, Toney, Wilson and Worrell.

Absent and Not Voting: Espinosa, Lavender-Bowe, Linville and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4647) 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. 16, Creating Protect Our Right to Unite Act; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 157**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Porterfield.

Absent and Not Voting: Espinosa, Linville and Skaff.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time and ordered to third reading.

Com. Sub. for S. B. 560, Permitting nursing home use trained individuals administer medication; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Summers moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 158**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Espinosa, Linville and Skaff.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill was then read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, amending the bill on page six, section five, line eight, after the

word “promulgated”, by inserting the words “by the authorizing agency”.

And,

On page six, section five, line eight, after the word “code”, by striking out the words “to implement” on line nine, and inserting in lieu thereof the words “relating to”.

Delegate Staggers moved to amend the bill on page eight, section ten, following the period on line four, by inserting a new section eleven, to read as follows:

“§16-5AA-11. Fair pay for Approved Medication Assistive Personnel.

To fairly compensate nurse aides that become approved medication assistive personnel, each facility that utilizes approved medication assistive personnel shall pay those employees a minimum of \$15.00 per hour or 50% above their pay prior to becoming designated as an approved medication assistive personnel, whichever is greater.”

Delegate Hill requested to be excused from voting on Com. Sub. for S. B. 460 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 on the amendment and the passage.

The question being on adoption of the amendment offered by Delegate Staggers, the same was put and did not prevail.

The bill was then ordered to third reading.

Com. Sub. for S. B. 676, Permitting fees from Child Abuse Registry be used for information technology support costs; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

owners; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4113, Relating to motor fuel excise taxes; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page three, section nine, line sixty, after the word “engines”, by inserting the word “when”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4158, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; 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. 4398, Relating to required courses of instruction; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page one, section nine, line ten, after the words “original texts of”, by inserting the words “the Mayflower Compact” and inserting a comma.

And,

On page four, section nine, line seventy, after the words “importance of”, by inserting the words “the Mayflower Compact” and a comma.

The bill was then ordered to engrossment and third reading.

H. B. 4437, Relating to the West Virginia Pay Card program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4551, Relating to subsidized adoption; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 4. COURT ACTIONS.

§49-4-112. Subsidized adoption and legal guardianship; conditions.

(a) From funds appropriated to the Department of Health and Human Resources, the secretary shall establish a system of assistance for facilitating the adoption or legal guardianship of children. An adoption subsidy shall be available for children who are legally free for adoption and who are dependents of the department. ~~or a child welfare agency licensed to place children for adoption.~~—A legal guardianship subsidy may not require the surrender or termination of parental rights. For either subsidy, the children must be in special circumstances because one or more of the following conditions inhibit their adoption or legal guardianship placement:

- (1) They have ~~a physical or mental disability;~~ special needs;
- (2) ~~They are emotionally disturbed;~~
- (3) They are older children;
- (4) (3) They are a part of a sibling group; or
- (5) (4) They are a member of a ~~racial or ethnic~~ minority.

(b)(1) The department shall provide assistance in the form of subsidies or ~~other~~ services to parents who are found and approved for adoption or legal guardianship of a child certified as eligible for subsidy by the department, but before the final decree of adoption or order of legal guardianship is entered, there ~~must~~ shall be a written agreement between the family entering into the subsidized adoption or legal guardianship and the department.

(2) Adoption or legal guardianship subsidies in individual cases may commence with the adoption or legal guardianship placement and will vary with the needs of the child as well as the availability of other resources to meet the child's needs. The subsidy may be for special services, ~~only, or for~~ money payments, ~~and either~~ for a limited period, or for a long term, or for any combination of the foregoing.

(3) The specific financial terms of the subsidy shall be included in the agreement between the department and the adoptive parents or legal guardians. The agreement may recognize and provide for direct payment by the department of attorney's fees to an attorney representing the adoptive parent.

(4) The amount of the ~~time limited or long term~~ subsidy may in no case exceed that which would be allowable ~~from time to time~~ for the child under foster family care or, in the case of a special service, the reasonable fee for the service rendered.

(5) ~~In addition~~ The department shall provide either Medicaid or other health insurance coverage for any special needs child for whom there is an adoption or legal guardianship assistance agreement, ~~between the department and the adoptive parent or legal guardian and~~ who the department determines cannot be placed ~~with an adoptive parent or legal guardian~~ without medical assistance. ~~because the child has special needs for medical, mental health, or rehabilitative care.~~

(c) ~~After reasonable efforts have been made without the use of subsidy and no appropriate adoptive family or legal guardian has been found for the child,~~ The department shall certify the child as eligible for a subsidy to obtain ~~in the event of~~ adoption or a legal guardianship. ~~Reasonable efforts to place a child without a subsidy shall not be required if it is in the best interest of the child. because of the factors as the existence of significant emotional ties developed between the child and the prospective parent or guardian while in care as a foster child.~~

(d) ~~If the child is the dependent of a voluntary licensed child-placing agency, that agency shall present to the department~~

~~evidence of the inability to place the child for adoption or legal guardianship without the use of subsidy or evidence that the efforts would not be in the best interests of the child. In no event may the value of the services and assistance provided by the department under an agreement pursuant to this section exceed the value of assistance available to foster families in similar circumstances.~~

All records regarding subsidized adoptions or legal guardianships are to be held in confidence; however, records regarding the payment of public funds for subsidized adoptions or legal guardianships shall be available for public inspection provided they do not directly or indirectly identify any child or person receiving funds for the child.

(f) A payment may not be made to adoptive parents or legal guardians of child:

(1) Who has attained 18 years of age, unless the department determines that the child has a special need which warrants the continuation of assistance or the child is continuing his or her education or actively engaging in employment;

(2) Who has obtained 21 years of age;

(3) Who has not attained 18 years of age, if the department determines that the adoptive parent or legal guardian is no longer supporting the child by performing actions to maintain a familial bond with the child.

(g) Adoptive parents and legal guardians who receive adoption subsidy payments pursuant to this section shall keep the department informed of circumstances which would, pursuant to §49-4-112(e) of this code, make them ineligible for the payment.”

On motion of Delegate Foster, the amendment recommended by the Committee on Health and Human Resources, was amended on page two, section one hundred twelve, line twenty-six, by adding an additional sentence to read “Any such payment for attorneys fees shall be made directly to the attorney representing the adoptive parents or legal guardians.”

The Health and Human Resources Committee amendment, as amended, was adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4615, West Virginia Critical Infrastructure Protection Act; 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, line forty-four, after the word “than”, by striking out the number “\$500”, and inserting in lieu thereof “\$250 nor more than \$1,000.”.

On page three, line forty-seven, after the word “than”, by striking out the number “\$1,000” and inserting in lieu thereof the words “\$500 nor more than \$3,000.”.

On page three, line fifty-two, after the word “than”, by striking out the number “\$2,000” and inserting in lieu thereof the words “\$1,000 nor more than \$5,000.”.

On page three, line fifty-seven, after the word “than”, by striking out the number “\$5,000” and inserting in lieu thereof the words “\$2,500 nor more than \$10,000.”

And,

On page three, line sixty, after the word “than”, by striking out the number “\$10,000” and inserting in lieu thereof the words “\$5,000 nor more than \$20,000.”

Delegate Fluharty moved to amend the bill on page three, section thirty-four, lines fifty-four through sixty, by striking out subdivision (3) in its entirety.”

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. 159**), and there were—yeas 44, nays 54, absent and not voting 2, 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, Hicks, Hornbuckle, Lavender-Bowe, Little, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethtel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Espinosa and Linville.

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

Delegate Lovejoy moved to amend the bill on page four, section thirty-four, lines sixty-eight through seventy-one, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

“(e) (1) The provisions of this section do not apply to:

Any person or organization:

(i) Monitoring or attentive to compliance with public or worker safety laws, or, wage and hour requirements;

(ii) Picketing at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements; or

(iii) Engaging in union organizing or recruitment activities including attempting to reach workers verbally, in writing with pamphlets and investigation of non-union working conditions, or both.

(2) The right to free speech or assembly, including, but not limited to, protesting and picketing.

(3) To a contractor who has a contractual relationship with a critical infrastructure facility and the contractor’s employees are acting within their scope of employment performing work at a critical infrastructure facility.”

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. 160**), and there were—yeas 53, nays 45, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Criss, Ellington, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, Kessinger, Little, C. Martin, P. Martin, Nelson, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Espinosa and Linville.

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

Delegate Pushkin moved to amend the bill on page two, section thirty-four, line thirty-four, following the comma, by striking out the word “or”.

On page two, section thirty-four, line thirty-seven, by striking out the period and inserting in lieu thereof a comma and the following:

“(15) Military facilities, including national guard facilities and equipment storage areas where non-military personnel are prohibited,

(16) Department of Highways facilities and locations near or on roads or highways where the public is prohibited, or

(17) Health care facilities,”

And,

Renumbering section (16) accordingly.

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. 161**), and there were—yeas 56, nays 41, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Atkinson, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Criss, Dean, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Hill, Hott, Householder, D. Jeffries, J. Jeffries, Jennings, Kessinger, Little, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rowan, Steele, Summers, Sypolt, Toney, Waxman, Wilson and Worrell.

Absent and Not Voting: Espinosa, Linville and R. Thompson.

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.

H. B. 4655, Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification; 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. 4706, Relating to reports concerning funds due to unknown or unlocatable interest owners; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4790, Relating to Career Technical Education for middle school students; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page three section seven-d, line twenty-three, following the period by inserting the following:

“(d) *Organization of special technical education program.* -

(1) *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 program or elective course. Nothing in this article or chapter 18A of this code prohibits principals or vice-principals, on a voluntary basis, from participating in the program as a guest instructor or speaker.

(2) *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 may 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.

(3) *Guest Speakers.* — Course instructors may schedule guest speakers to introduce students to a particular career and to prepare students to pursue the featured career by providing relevant information on, but not limited to:

- (A) Education requirements;
- (B) Cost of education;
- (C) Availability of education;
- (D) Average salary;
- (E) Average longevity; and
- (F) Transferability of skills.

Instructors are encouraged to invite professionals excelling in fields where training is available at the local career and technical education school.

(4) *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.

(5) *Career Skills.* — The program or elective course may include instruction on skill sets required to discover and take advantage of employment opportunities, including, but not limited to:

(A) Performing a job search;

(B) Developing a résumé;

(C) Preparing for a job interview; and

(D) Developing and deploying personal networks to find job opportunities.

(6) *Academic Skills.* — The program or elective course may include instruction on skill sets required to discover and take advantage of educational opportunities, including, but not limited to:

(A) Researching admissions requirements for vocational schools, community colleges, technical schools, public and private universities and other post-secondary academic institutions;

(B) 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;

(C) Researching employment rates and average salaries for specific degrees, certifications and majors from post-secondary academic institutions;

(D) Researching state, federal and private scholarship and grant opportunities; and

(E) Preparing a college or technical school application.

(7) Personal Graduation Plan. – A student may create a ‘Personal Graduation Plan’ outlining his or her plan to become employable following high school or post-secondary school.”

During debate, Delegate Foster arose to ask that Delegate Robinson not directly attack another member in his remarks.

The Speaker replied that the point was well taken.

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. 162**), 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, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Longstreth, Lovejoy, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Staggers, Swartzmiller, C. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Espinosa, Lavender-Bowe, Linville, Miley and R. Thompson.

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 read a first time and ordered to second reading:

S. B. 170, Alleviating double taxation on foreign income at state level,

S. B. 300, Updating certain terms in WV Corporation Net Income Tax Act,

S. B. 310, Updating certain terms used in WV Personal Income Tax Act,

Com. Sub. for H. B. 4155, Relating generally to the regulation of plumbers,

Com. Sub. for H. B. 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules,

H. B. 4406, Relating to the reproduction of checks and other records,

And,

Com. Sub. for H. B. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Espinosa and Linville.

Miscellaneous Business

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

- Delegate Fluharty during Remarks by Members

- Delegate McGeehan during Remarks by Members
- Delegate Pack during Remarks by Members

Delegate J. Kelly announced he was absent when the vote was taken on Com. Sub. for S. B. 35, and had he been present, he would have voted “Yea” thereon.

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

- Delegate Bartlett for H. B. 4758
- Delegates Campbell and Miller for H. B. 4862
- Delegate Bates for H. B. 4723
- Delegate J. Jeffries for H. B. 4862
- Delegate Pyles for H. B. 4740, H. B. 4763, H. B. 4764, H. B. 4765, H. B. 4766, H. B. 4767, H. B. 4768, H. B. 4769, H. B. 4771, H. B. 4773, H. B. 4774, H. B. 4775 and H. B. 4914

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

- Delegate Hanna for H. B. 4508, H. B. 4534 and H. B. 4759

At 3:07 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 13, 2020.

Thursday, February 13, 2020

THIRTY-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 Wednesday, February 12, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that S. B. 170, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4198, on Second Reading, House Calendar, had been transferred to the Special Calendar.

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:

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

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

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. 4633, Expanding county commissions' ability to dispose of county or district property,

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

Com. Sub. for H. B. 4633 - "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; and adding the ability of county commissions to dispose of the property to a nonprofit community center organization or nonprofit senior center organization without conducting a public sale,"

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4633) to the Committee on Government Organization was abrogated.

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

Your Committee on Education has had under consideration:

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

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

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

Your Committee on Education has had under consideration:

H. B. 4112, Requiring county school boards to provide adequate mental health evaluations, and counseling services,

And,

H. B. 4720, Qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the WV Invests Grant Program,

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. 4112 and H. B. 4720) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 4165, West Virginia Remembers Program,

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

Com. Sub. for H. B. 4165 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-8b, relating to public education; establishing the West Virginia Remembers Program; and authorizing the State Board of Education to promulgate a rule providing for maintaining of lists by county boards of veteran volunteers to speak in the public schools,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

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

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

Com. Sub. for H. B. 4729 - “A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to the purchase of educational materials at institutions of higher education; establishing or continuing an educational materials affordability committee; requiring that the educational materials affordability committee make certain recommendations to the institutional governing boards; and defining the term ‘educational materials’,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

H. B. 2775, Requiring each high school student to complete a one-half credit course of study in personal finance,

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

Com. Sub. for 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 credit course of study in personal finance as a requirement for high school graduation; end-of-course examination; state board development of standards,”

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. 4092, Relating to foster care,

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

Com. Sub. for H. B. 4092 - “A Bill to repeal §49-2-102, and §49-2-104 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-108, §49-2-110, §49-2-111, §49-2-111a, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; to amend said code by adding thereto two new sections designated, §49-2-127, §49-2-128, and §49-2-129; and to amend and reenact §49-4-604, of said code, all relating to foster care; defining terms; increasing the number children allowed in a foster care family; setting forth the requirements of performance based contracting; requiring certain moneys to be used in setting the rate for performance based contracting; requiring the department to create a tiered reimbursement model; setting payment minimums; providing rulemaking authority; establishing the rights of foster children; establishing the rights of foster parents; establishing the rights of certified kinship placements; setting forth the reasonable and prudent parent standard; establishing criteria for scattered-site living arrangements; establishing the criteria for supervised group settings; requiring the department promulgate emergency rules; setting forth reporting requirements of a guardian ad litem; and removing non applicable language from the code,”

With the recommendation that the committee substitute do pass.

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. 4447, Creating the shared table initiative for senior citizens who suffer from food insecurity,

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. 4447) was referred to the Committee on Government Organization.

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. 4591, Amending the definition of “financial exploitation” to include the use of undue influence,

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. 4591) was referred to the Committee on the Judiciary.

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 11th day of February, 2020, 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 H. B. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees,

And,

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

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. 4621, West Virginia FinTech Regulatory Sandbox Act,

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

Com. Sub. for H. B. 4621 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8G-1, §31A-8G-2, §31A-8G-3, §31A-8G-4, §31A-8G-5, §31A-8G-6, §31A-8G-7, and §31A-8G-8, all relating to the West Virginia FinTech Regulatory Sandbox Program; defining terms; establishing requirements for participants to temporarily test innovative financial products or services on a limited basis without otherwise being licensed or authorized to act under the laws of the state; establishing scope of the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; providing consumer protections; establishing time limitations on the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; providing reporting requirements; and providing for rule-making,”

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, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2602, Including possession of known stolen property in the offense of receiving or transferring stolen property.

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. CRIMES AGAINST PROPERTY.

§61-3-18. Receiving or transferring stolen goods.

If any person buys or receives from another person, or aids in concealing, or transfers to a person other than the owner thereof, or possesses any stolen goods or other thing of value, which he or she knows or has reason to believe has been stolen, ~~he shall be deemed that person is~~ guilty of the larceny thereof, and may be prosecuted although the principal offender ~~be not~~ has not been convicted; Provided, That possession of stolen goods while acting at the request of law enforcement or in cooperation with law enforcement does not constitute a violation of this section.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 2602 - “A Bill to amend and reenact §61-3-18 of the Code of West Virginia, 1931, as amended, relating to criminalizing possession of property when a person knows or has reason to know it is stolen; making possession of stolen property larceny; and clarifying that possession of stolen property while acting in cooperation with law enforcement or at law enforcement’s request is not a crime.”

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. 163**), 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: Azinger, Canestraro and Linville.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2602) 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 that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website.

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. 4129, Relating to adoption.

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. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

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 2. FINANCE DIVISION.

§5A-2-33. Financial accounting and reporting section; comptroller; powers and responsibilities.

(a) The financial accounting and reporting section created under section one of this article shall be under the control and supervision of a comptroller. The provisions of this section shall apply to all component units of state government, as defined by generally accepted accounting principles.

(b) The comptroller, under the direction and supervision of the director of the Finance Division, has the power and responsibility to:

(1) Maintain financial records supporting the Comprehensive Annual Financial Report required under ~~subsection (8) of this section~~ subdivision (8) of this subsection, in accordance with generally accepted accounting principles;

(2) Maintain the official chart of accounts of the state;

(3) Maintain the centralized accounting system;

(4) Maintain the statewide accounting policies and procedures;

(5) Direct the establishment and maintenance of an adequate internal control structure by the various component units of state government;

(6) Verify the periodic reconciliation of assets as reported by the board of Investments and budgetary fund balances as reported by the State Auditor;

(7) Issue management financial reports by component unit and department, as well as consolidated management financial reports, as follows:

(a) (A) Monthly budgetary basis reports by revenue and expense, budget compared to actual, and encumbrances; and

(b) (B) Financial position reports, including, but not limited to, cash, investments, indebtedness, obligations and accounts payable.

(8) Issue a comprehensive annual financial report.

(A) When all state agencies meet the financial reporting deadlines set by the financial accounting and reporting section, the report shall be issued on or before December 31 of the calendar year in which the reporting period ends.

(B) When any agency fails to meet the reporting deadline, the report shall be issued within 60 days of receiving the last agency report.

(C) The financial report will be prepared in accordance with generally accepted accounting principles;

(9) Have the general purpose financial statements of the state audited annually by independent certified public accountants;

(10) Require the state pension systems, workers' compensation commission, Public Employees Insurance Agency, Board of Risk and Insurance Management and the various other component units of the state to prepare financial statements audited by independent certified public accountants and submit the audited financial statements to the financial accounting and reporting section in the form and within the time frames established by the financial accounting and reporting section;

(11) Maintain controls over access to the centralized accounting system and the required modifications, as well as edits, controls and tables;

(12) Promulgate legislative rules in accordance with §29A-3-1 *et seq.* of this code to effectuate the intent and purpose of this section: *Provided*, That such rules may initially be implemented by emergency rule; and

(13) Do all things necessary and convenient to maintain the centralized accounting system, to issue financial reports of the state and to carry out its powers and responsibilities.”

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. 164**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Howell and McGeehan.

Absent and Not Voting: Azinger, Canestraro and Linville.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4141) 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 that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

On motion of Delegate Summers, the House of Delegates refused to concur in the following amendment of the bill by the Senate, and the Senate was requested to recede therefrom:

On page one, after the enacting clause by inserting the following:

“§16-4C-8a. Courtesy certification of emergency medical services personnel in surrounding states.

[Repealed.]”

And,

By amending the title of the bill to read as follows:

H. B. 4179 - “A Bill to repeal §16-4C-8a of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, 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.”

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

S. B. 180 - “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 a 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 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. 230 - “A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to suicide prevention awareness training and dissemination of information; providing findings; requiring State Board of Education to provide routine education in suicide prevention under guidelines established by board; and requiring dissemination of information”; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 364, Authorizing Department of Transportation promulgate legislative rules.

A message from the Senate, by

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

Com. Sub. for S. B. 500, Relating to Class Y special crossbow hunting permit.

A message from the Senate, by

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

Com. Sub. for S. B. 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

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. 545 - “A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the Commissioner’s Operating Fund, into the Workers’ Compensation Old Fund to reduce any deficit balance of the Old Fund”; 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. 571 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of

\$20,000,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2020, organization 0221”; 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. 641 - “A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, relating to the requirement that provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under the plans offered in §5-16-1 *et seq.* of said code; and making other technical changes”; which was referred to the Committee on Health and Human Resources.

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. 647 - “A Bill to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended, relating to permitting physician’s assistants and advanced practice registered nurses to issue do-not-resuscitate orders”; which was referred to the Committee on Health and Human Resources.

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. 662 - “A Bill to amend and reenact §44-3-1 of the Code of West Virginia, 1931, as amended, relating to

removing language restricting more than two fiduciary commissioners being from the same political party”; 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. 664 - “A Bill to amend and reenact §16-30-7 of the Code of West Virginia, 1931, as amended, relating to adding a physician’s assistant to the list of medical professionals able to determine an individual lacks capacity; updating terminology related to advanced practice registered nurses; removing terminology related to physicians; and permitting a psychologist, physician’s assistant, or advanced practice registered nurse to inform a person, if conscious, that he or she has been determined to be incapacitated”; 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

Com. Sub. for S. B. 674 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, 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”; which was referred to the Committee on Government Organization.

Resolutions Introduced

Delegates D. Jeffries, Atkinson, Nelson, Butler, Bibby, Pack and Wilson offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 83 - "Requesting the Division of Highways name bridge number 20-79-9.20 NB and SB, carrying Interstate 79 over Little Sandy near Elkview in Kanawha County, the 'U. S. Army SFC Guy R. Hively Memorial Bridge'."

Whereas, Sergeant First Class Guy R. Hively was born on May 22, 1938, in Roane County, and died on February 2, 1968, in Vietnam. He left behind his wife Rita Cassell Hively, and their child, Alison who was three at the time; and

Whereas, In 1998, Don Fitzwater, Sr. wrote "Memories That Won't Go Away" that he dedicated to Sergeant Hively's family: "Here it is soon to be 1998 and I still have some memories of 1968 that are almost as clear as yesterday. I suppose that is because they are burned into my memory by fear or for some other reason that I don't understand. I have decided to write this story about the loss of your husband, your father, your brother and my friend. I have driven through or near Clendenin, West Virginia, on several occasions during the past thirty years and every time that I see the city limit sign or a directional sign on the Interstate my mind immediately flashes to the memories of Guy Hively. I have often thought of finding you and telling you about his last days and hours and the events surrounding his death, however something always caused me to talk myself out of it. I even stopped at a service station in town one day and inquired about you but still couldn't make myself look you up. I kept thinking that maybe time has taken care of everything and it would be pointless to do so. I now think that I have been wrong all these years. I first met Guy while assigned to the Berlin Commands' Second Battle Group of the Sixth Infantry. I had been assigned to Bear Company for some time where this tall, gangly, slow walking and slow talking fellow reported for duty. As everyone does when someone new shows up, we all asked him where he was from and when he said he was from Clendenin, West Virginia I then told him I was from Clay County near the small town of Ivydale. Actually, I was raised on Otter Creek some five miles northwest of Ivydale on Route 16. Everyone liked Guy. He always had a smile and a good word for everyone in the unit. He was never loud and boisterous as some of us were in those days. He had a special gait which often got him teased about being a

plowboy or Hillbilly. The unit we were in was a show outfit more than anything else and required us to do an extraordinary amount of close order drill continually preparing for the inevitable parade. Our big Polish-American First Sergeant, Casmir J. Cezyk, had a set of lungs that could over shout any speaker system and I am sure all of the Berliners knew all of the country boys by name because when parade practice was going on you could always hear this booming voice yelling "Hively, Fitzwater, Garrett, or some other country boys name, telling us to settle down and quit bobbing up and down like we were following a plow or climbing a hill". Everyone got a kick out of that kind of stuff. After it was over. I can't recall a lot more about him while we were in Berlin. I left Berlin in 1965. On January 2, 1968 I arrived in the Republic of South Vietnam and was assigned to the Ninth Infantry Divisions' Fourth Battalion, Forty Seventh Infantry located at a base camp called Dong Tam. I was assigned to Company A as the Third Platoon Sergeant. The platoon was on base security the evening that I arrived, and I didn't get to meet all the men for a day or two. I can't remember exactly when I finally saw Guy for the first time and can't even remember if he was in my platoon initially after I arrived at the company. Shortly after I arrived, there was some shifting of personnel within the company because some of the platoons had lost people due to casualties and normal rotations back to the states and other places as is common in all units. Guy ended up being one of my Squad Leaders. We went on patrols around the base camp and flew here and there on a Med Cap (security missions for the medics to treat the Vietnamese civilians) or two. We had the occasional sniper and booby traps and shellings but nothing major during the month of January until the night of the 29th. We had flown out in the direction of the Cambodian border and established a security perimeter around a floating artillery base. The artillery pieces (howitzers) were mounted aboard pontoons and were either pulled or pushed through the myriad of waterways in the area. The troops had been pretty busy, and it was just the beginning of Tet or The Lunar New Year Season. The Armed Forces Network Radio and TV, as well as the Stars and Stripes Newspaper had been talking of the truce that would be in effect during the next few weeks or so. The troops had been a little slow building up our defensive positions and all of the squad

leaders and I had to make them all understand that we had to be ready just in case the truce was a trick to get all of us relaxed in order for the enemy to get in a surprise attack. Guess what!!! It was a trick with devastating consequences for some units, especially the South Vietnamese Forces. We were attacked with mortars at around 9 PM. We also had some ground fire, but the engagement wasn't much more than harassment as our choppers came out and hosed the area down good with machine gun fire and rockets. We stayed the rest of the night and were sent back to the base camp sometime the next day and were assigned the mission of ready reaction force in the event that the basecamp was hit hard, or some other unit needed help. Our base camp was hit pretty hard with rockets and mortars during the next couple of nights, but we were hunkered down in our large bunkers and didn't do anything but complain about the heat, bugs and cramped conditions in the bunkers. Some of us would stand around the entrances to the bunkers and make a mad dash for the door when we heard a rocket or mortar coming. Talk about traffic congestion. It was always hot, and the bugs were plentiful. During these few days the First Sergeant, Bob Careless, came to me and asked if I had any objections to him making Guy a Platoon Sergeant of one of the other platoons that had lost theirs in a skirmish. I had no objection as we were all career folks and I knew he would do a good job and be good for the men in that platoon. He was a good noncommissioned officer. He worked hard and looked out for his soldiers. On the morning of February 2, the Platoon Leader, Second Lieutenant John Walsh, from Moses Lake, Washington, came to me and told me to assemble the squad leaders for a meeting and to have the troops prepare to move out in a hurry. At the meeting we learned that our sister battalion, the Third Battalion, Forty Seventh Infantry, was pinned down in or near the town of My Tho some four or five miles up the road from us and that our mission was to break through them and help them. I don't recall knowing it at the time, but the country was locked in combat nearly from one end to the other. To conduct the breakthrough, we were given a company of M113 Armored Personnel Carriers, with drivers, from B Company Fifth Battalion, Sixtieth infantry for transportation, small arms fire protection, and 50 caliber machine firepower. This mission would not be successful. My platoon was chosen to lead

the movement. I rode the lead Track (personnel carrier) as both Track Commander (TC) and 50 caliber gunner. Guy was several Tracks behind me also in the TC hatch. We moved out and picked up our prearranged distance between tracks and made communications checks with the company leadership making sure we could talk to each other when necessary. The Company Commander was several Tracks behind Guy. As we were pulling out of the company area the new company clerk, whose name I have forgotten, went to each track passing out updated versions of what we called "Unit Line Rosters." The rosters were used to identify someone in the unit during radio communications without having to say their names. Each Roster was in alphabetical order and also in numerical sequence with a number in the far-left column beside each name. There was never a number 13 because some folks are superstitious, and you don't need any superstitions that you can avoid in a combat zone. A short distance after leaving the base camp we travelled through a small village occupied by local civilians and several members of the South Vietnamese military. I remember seeing a number of young men standing around in white shirts which was indicative of them not being in the South Vietnamese armed forces and wondered why there were so many of them not in the military when we were there fighting for them. Near the end of the village we had to make a hard tum to the left. After we left the village we would next pass by a South Vietnamese training camp on the left side of the road. A small contingent of American advisers were also stationed there. We passed by the training camp waving at the guards and other locals standing around the entrance. No warning or any word of approaching danger was given by any of them. Nothing looked suspicious to any of us and we continued up the road. As I remember we had gone approximately 1,000 yards past the training camp and the road made a gradual tum to the right. As I was lead track I was the eyes and ears for the front of the column. After making the right tum we had another 1,000 or so yards of open territory, both rice paddies and grassy area, to cross before the road passed a South Vietnamese Army outpost located just inside the tree line of a fair-sized forest. Just after breaking into the opening area after making the tum, I looked at the tree line through my binoculars and immediately saw that the outpost had been overrun

by the enemy and was flying Viet Cong (VC) flags on what was left of the towers on both sides of the road. I immediately gave the halt signal to the rest of the column by holding my right arm up with the palm facing forward. We had a quick discussion with the Company Commander as to what the proper action should be to minimize our risks and the decision was made to form a line with the tracks side by side, a few yards apart, and move to the tree-line. With the tracks online we would be able to put all of our 50 caliber firepower to the front instead of everybody shooting over or past the front tracks. Everything went smoothly with just a few nervous bursts of fire from the tracks until we reached a small canal near the tree-line. The canal was obscured with grass and wasn't on the maps. Everyone had a bad feeling about having all those tracks stopped out in the open 50 or so yards from the tree line. The decision was made to dismount the troops and walk to the tree line and to have the tracks return to and line up on the road. All of the troops crossed the canal and went into the tree line without incident. The company commander then gave the word to move back to the road and mount back up onto the tracks. The tracks came forward and stopped for the troops to load up. I walked to the lead track but discovered that the tracks had, gotten all mixed up during their movement back to the road and instead of my track being in the lead, Guy's track was the front vehicle. The area surrounding the outpost was sort of a half circle on each side of the road. We had cleared the outpost by several yards before the tracks moved forward. When I discovered that my track was not the first track I started back toward the other vehicles looking for mine. I had just reached the rear of Guy's track when he arrived looking for it. He was smiling and we chatted for a few seconds with his last words to me and probably his last words to anyone being, "What a mess those mixed up tracks were and that there probably wasn't a VC within 10 miles of the place." We were to get our tracks back into our assigned positions once we began to move up the road again, however we never reached that point. I had stopped at the back of Guy's track talking to him when my platoon leader stopped to say something to me. As LT. Walsh and I began talking, Guy went to the front of his track and climbed aboard. Just as he was entering the TC hatch a rocket propelled grenade (RPG) hit his machinegun mount and blew him off the track killing him instantly.

The track driver was critically injured and several others, including my platoon leader, were injured in the initial blasts of RPG and small arms fire. We exchanged fire for what seemed to be an eternity. Some of our own artillery landed in our positions killing some more soldiers and wounding several. Everything, including my flak jacket, except my boots and pants were blown off me and my M16 was destroyed in my hands. God was looking out for me that day. I had another track driver pull his track in front of Guys in order to provide protection for some of us to get into his track to render lifesaving first aid to the critically wounded driver. The covering track hit the mine that my track was supposed to have hit to spring the ambush initially, had we driven straight up the road instead of getting in line and becoming disorganized as we did. Fortunately, that driver was uninjured, but the track was badly damaged, locking the tracks so that it wouldn't move until we disconnected the final drives. Guy's track took another hit and burned. It was full of gasoline and ammunition and burned and exploded for a long time. He was not burned. I only saw his body at a distance a few seconds after the initial burst of enemy fire. I didn't know it was him until after the fracas was over. Some of the men told me that the only wounds they observed were small shrapnel wounds in the middle of his chest. Your husband, your father, your brother and my friend died bravely and dedicated to that which he thought to be right. He didn't run and hide in Canada or disobey orders or make excuses. He died as a soldier dies True to his country. If only the national leadership at the time would have supported the soldier as much as the soldier supported them, the results of the Vietnam conflict would have had been better recorded in the annals of History. I don't want his memory to go away. Sometimes memories are all you have. Oh yes, that new company clerk that had just finished updating the Unit Line Roster hadn't learned the routine and added a 13 to the list. Guy was number 13; and

Whereas, Sergeant Hively's funeral was held at the First Baptist Church on February 22, 1968, and his body was interred at Elk Hill Memorial Gardens in Big Chimney; and

Whereas, Sergeant Hively was posthumously awarded the Bronze Star and the Purple Heart for his heroic efforts; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sergeant First Class Guy R. Hively and his contributions to our country and state, having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-79-9.20 NB and SB, carrying Interstate 79 over Little Sandy near Elkview in Kanawha County, the “U. S. Army SFC Guy R. Hively Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army SFC Guy R. Hively 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.

And,

Delegates Angelucci, C. Thompson, Lavender-Bowe, S. Brown, Longstreth, Staggers, Caputo, Pyles, Walker, Hanna, Zukoff and Diserio offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 84 - “Requesting the Division of Corrections and Rehabilitation to conduct annual studies on the reporting of sexual assaults in the state’s correctional facilities.”

Whereas, In 2012, the U.S. Justice Department issued its first set of national standards requiring that detention facilities not only give inmates multiple ways to report sexual abuse but also investigate every allegation; and

Whereas, In 2011, before the national standards were issued, there were 8,768 allegations of sexual assault and harassment nationwide. By the end of 2015, that total had jumped to 24,661, a leap of more than 180 percent, according to the federal Bureau of Justice Statistics, which compiles the numbers it collects from corrections departments; and

Whereas, It is prudent for our own Division of Corrections and Rehabilitation to conduct a study on the reporting of sexual assaults in the state's correctional facilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Corrections and Rehabilitation conduct annual studies on the reporting of sexual assaults in the state's correctional facilities; and, be it

Further Resolved, That the Division of Corrections and Rehabilitation submit its first annual study on the reporting of sexual assaults in the state's correctional facilities to the regular session of the Legislature, 2021, and annually thereafter, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations.

Motions

Delegate Fluharty moved, under the provisions of House Rule 82, to discharge **H. B. 2741**, Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act, from the Committee on Industry and Labor.

Delegate Summers moved that the motion to discharge be laid upon the table.

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

The yeas and nays having been ordered, they were (**Roll No. 165**), and there were—yeas 59, nays 38, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, 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, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro and Linville.

So, a majority of the members present and voting having voted in the affirmative, the motion to discharge was laid upon the table.

Special Calendar

Third Reading

Com. Sub. for S. B. 16, Creating Protect Our Right to Unite 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. 166**), and there were—yeas 75, nays 22, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Lavender-Bowe, Longstreth, Miller, Pyles, Robinson, Skaff, Sponaugle, C. Thompson, Walker and Williams.

Absent and Not Voting: Azinger, Canestraro and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 16) passed.

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

Com. Sub. for S. B. 560, Permitting nursing home use trained individuals administer medication; 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. 167**), and there were—yeas 70, nays 26, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Byrd, Campbell, Doyle, Evans, Fast, Fleischauer, Fluharty, Hornbuckle, D. Jeffries, Lavender-Bowe, Lovejoy, C. Martin, P. Martin, Paynter, Pushkin, Pyles, Rohrbach, Rowe, Staggers, Summers, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Linville and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 560) 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 S. B. 676, Permitting fees from Child Abuse Registry be used for information technology support costs; 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. 168**), 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: Azinger, Canestraro and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 676) passed.

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

Com. Sub. for H. B. 4088, Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners; 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. 169**), 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: Azinger, Canestraro, Linville and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4088) 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. 4113, Relating to motor fuel excise taxes; 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. 170**), 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: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4113) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk.

Whereupon,

Delegate Householder asked and obtained unanimous consent that the title amendment be withdrawn.

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

H. B. 4113 - “A Bill to amend and reenact §11-14C-9 and §11-14C-30 of the Code of West Virginia, 1931, as amended, all relating to refundable exemptions from tax on motor fuels generally; modifying certain refundable exemption from tax on motor fuel purchased for use as a motor fuel for certain internal combustion engines; extending certain refundable exemption from tax to tax on motor fuel used in a power take-off unit on a fuel delivery truck; and expanding certain refundable exemptions from tax on motor fuel claimable by certain taxpayers to include the variable rate component of the tax.”

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 171**), 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: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4113) takes effect July 1, 2020.

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. 4158, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption; 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. 172**), and there were—yeas 75, nays 19, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Boggs, Butler, Cowles, Fast, Hicks, D. Jeffries, Jennings, D. Kelly, J. Kelly, Mandt, P. Martin, Pack, Porterfield, Rowan, Rowe, Skaff and Worrell.

Absent and Not Voting: Azinger, Canestraro, Linville, Robinson, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4158) 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. 4398, Relating to required courses of 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. 173**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bates, Fluharty and McGeehan.

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4398) 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. 4437, Relating to the West Virginia Pay Card 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. 174**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Criss.

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4437) 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. 4551, Relating to subsidized adoption; on third reading, coming up in regular order, was read a third time.

Delegate Cowles requested to be excused from voting on H. B. 4551 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. 175**), 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: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4551) 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. 4615, West Virginia Critical Infrastructure Protection 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. 176**), and there were—yeas 60, nays 35, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miller, Phillips, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Walker, Williams, Worrell and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4615) 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. 4655, Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification; 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. 177**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Hornbuckle, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4655) 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. 4706, Relating to reports concerning funds due to unknown or unlocatable interest owners; 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. 178**), and there were—yeas 85, nays 10, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Hartman, D. Kelly, Kump, Mandt, McGeehan, Miley, Pushkin, Sponaugle, Steele and C. Thompson.

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4706) 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. 4790, Relating to Career Technical Education for middle school 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. 179**), and there were—yeas 94, nays 1, absent

and not voting 5, with the nays and absent and not voting being as follows:

Nays: Robinson.

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4790) 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. 300, Updating certain terms 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. 310, Updating certain 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. 4155, Relating generally to the regulation of plumbers; on second reading, coming up in regular order, was read a second time.

Delegate Foster moved to amend the bill on page one, section two, line seven, by striking out “who can show proof they passed a drug and alcohol test within the previous 12 months that meets the requirements set out in §21-1d-2 (a), (d), and (h), and”.

On page one, section two, line eleven, by striking out the words “Journeyman plumber” and inserting in lieu thereof the words “Master-Journeyman plumber: *Provided*, That the commissioner credit relevant verified military service, training, or education toward the licensing requirements”.

On page one, section two, line fifteen, by striking out “who can show proof they passed a drug and alcohol test within the previous 12 months that meets the requirements set out in §21-1d-2 (a), (d), and (h), and”.

On page two, section two, line nineteen, after the word “training”, by inserting “: *Provided*, That the commissioner credit relevant verified military service, training, or education toward the licensing requirements”.

And,

On page two, section two, line twenty, by striking out “who can show proof they passed a drug and alcohol test within the previous 12 months that meets the requirements set out in §21-1d-2 (a), (d), and (h), and”.

Delegate Maynard requested to be excused from voting on Com. Sub. for H. B. 4155 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 bill and directed the Member to vote on the amendment and passage of the bill.

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. 180**), and there were—yeas 45, nays 49, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Mandt, C. Martin, P. Martin, McGeehan, Nelson, Pack, Phillips, Porterfield, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Azinger, S. Brown, Canestraro, Linville, Rodighiero and Toney.

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

Delegate Diserio moved to amend the bill on page one, section two, line eleven, by striking out the words “Journeyman plumber” and inserting in lieu thereof the words “Master-Journeyman plumber: *Provided*, That the commissioner credit relevant verified military service, training, or education toward the licensing requirements”.

And,

On page two, section two, line nineteen after the word “training”, by inserting a colon and the words “*Provided*, That the commissioner credit relevant verified military service, training, or education toward the licensing requirements”.

Delegate Foster asked unanimous consent that the remarks by Delegate Diserio be printed in the Appendix to the Journal, which consent was not granted, objection being heard.

The question being adoption of the amendment, the same was put and the amendment was adopted.

Delegate Worrell moved to amend the bill on page three, section three, line twenty-seven, after the word “facilities”, by inserting the word “or”.

On page three, section three, line thirty, after the word “business” and the semicolon, by striking out the word “or” and inserting in lieu thereof a period.

And

On page three, section three, line thirty-one, by striking out subdivision (10) in its entirety.

On this question, the House divided and the Speaker declared the amendment adopted.

Delegate Miller moved to amend the bill on page two, section three, line three, following the word “article” and the period, by inserting a new subsection (b) to read as follows:

“(b) The Commissioner of Labor shall determine if each applicant for new licenses and license renewal qualifies for employment under the E-Verify program administered by the United States Department of Homeland Security and the United States Social Security Administration: *Provided*, That nothing in this subsection may make the Commissioner liable for the employment of undocumented workers.”

And,

Renumbering the subsequent subsections accordingly.

Delegate Foster arose to a point of order as to the germaneness of the amendment.

The Speaker stated that the bill addressed multiple factors associated with receipt of a license and ruled the amendment was germane to the purpose of the bill.

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. 181**), and there were—yeas 57, nays 38, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Atkinson, Barnhart, Bartlett, Bibby, S. Brown, Butler, Cadle, Capito, Cooper, Cowles, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Hill, Householder, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Mandt, McGeehan, Pack, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

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

Delegate Bibby moved that the House of Delegates reconsider its adoption of the amendment offered by Delegate Worrell for Com. Sub. for H. B. 4155.

On the motion to reconsider the amendment offered by Delegate Worrell, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 182**), and there were—yeas 43, nays 52, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Cowles, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Jennings, J. Kelly, Kessinger, C. Martin, P. Martin, Maynard, McGeehan, Pack, Phillips, Porterfield, Queen, Rowan, Shott, Steele, Summers, Sypolt, Waxman, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

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

The bill was then ordered to engrossment and third reading.

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

Com. Sub. for H. B. 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Delegate Shott moved to amend the bill on page three, section one, line twenty-six, after the word “exceed” and before the word “the”, by inserting the words “one hundred and twenty percent of”.

Delegate Fleischauer asked unanimous consent that the House stand at ease, which consent was not given, objection being heard.

Delegate Fleischauer moved to place the bill at the foot of bills on second reading.

Whereupon,

Delegate Shott asked unanimous consent to withdraw the amendment, which consent was not given, objection being heard.

The question being on the motion by Delegate Fleischauer to move the bill to the foot of bills on second reading, the same was put and did not prevail.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 183**), and there were—yeas 45, nays 50, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Cooper, Criss, Ellington, Fast, Foster, Hamrick, Hanna, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, D. Kelly, J. Kelly, Kessinger, Kump, Little, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Nelson, Paynter, Phillips, Porterfield, Queen, Rohrbach, Rowan, Shott, Steele, Sypolt, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Azinger, Canestraro, Linville, Rodighiero and Toney.

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

The question being adoption of the amendment offered by Delegate Shott, the same was put and the amendment was adopted.

The bill was then ordered to engrossment and third reading.

H. B. 4406, Relating to the reproduction of checks and other records; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Banking and Insurance, was reported by the Clerk and adopted, amending the bill on page one, after the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 4. BANKING INSTITUTIONS AND SERVICES
GENERALLY.**

**§31A-4-35. Reproduction of checks and other records;
admissibility of copies in evidence; disposition of originals;
record production generally.**

(a) Any bank may cause to be copied or reproduced, by any photographic, photostatic, microphotographic or by similar miniature photographic process or by nonerasable optical image disks (commonly referred to as compact disks) or by other records retention technology approved by rule of the Commissioner of Banking, all or any number of its checks and all or any part of its documents, books, records, correspondence and all other instruments, papers and writings in any manner relating to the operation of its business, other than its notes, bonds, mortgages and other securities and investments, and may substitute such copies or reproductions either in positive or negative form for the originals thereof. Thereafter, such copy or reproduction in the form of a positive print thereof shall be deemed for all purposes to be an original counterpart of and shall have the same force and effect as the original thereof and shall be admissible in evidence in all courts and administrative agencies in this state, to the same extent and for the same purposes as the original thereof, and the banking institution may destroy or otherwise dispose of the original, but every banking institution shall retain either the originals or such copies or reproductions of its records of final entry, including, without limiting the generality of the foregoing, cards used under the card system and deposit tickets for deposits made, for a period

of at least five years from the date of the last entry on such books or the date of making of such deposit tickets and card records or, in the case of a banking institution exercising trust or fiduciary powers, accounting and legal records shall be retained until the expiration of five years from the date of termination of any trust or fiduciary relationship relating to such accounting and legal records by a final accounting, release, court decree or other proper means of termination and supporting documentation for fiduciary account transactions shall be retained for five years from the dates of entry of such transactions.

All circumstances surrounding the making or issuance of such checks, documents, books, records, correspondence and other instruments, papers or writings, or the photographic, photostatic or microphotographic copies or optical disks or other permissible reproductions thereof, when the same are offered in evidence, may be shown to affect the weight but not the admissibility thereof.

Any device used to copy or reproduce such documents and records shall be one which correctly and accurately reproduces the original thereof in all details and any disk or film used therein shall be of durable material.

(b) When a subpoena duces tecum is served upon a custodian of records of any bank in an action or proceeding in which the bank is neither a party nor the place where any cause of action is alleged to have arisen and the subpoena requires the production of all or any part of the records of the bank relating to the conduct of its business with its customers, the bank shall be entitled to a search fee not to exceed \$10, together with reimbursement for costs incurred in the copying or other reproduction of any such record or records which have already been reduced to written form, in an amount not to exceed 75 cents per page. Any and all such costs shall be borne by the party requesting the production of the record or records.

(c) Notwithstanding any other provision of this code establishing a statute of limitations for any period greater than five years, any action by or against a bank for any balance, amount, or proceeds from any time, savings or demand deposit account based

on the contents of records for which a period of retention or preservation is set forth in section (a) of this section shall be brought within the time for which the record must be retained or preserved. If records are retained beyond the period set forth in section (a) of this section or the bank otherwise has information regarding the status of funds held or previously held in any time, savings or demand deposit account, the bank shall provide such information, to the extent permitted by all applicable state and federal privacy laws, upon written request, to anyone with a legal interest in such balance, amount, or proceeds. This section does not apply to savings accounts or certificates of deposit established as a result of any legal action for the benefit of a minor.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species; 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. 534, Removing workers' compensation exclusion for temporary legislative employees,

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines,

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act,

Com. Sub. for H. B. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly,

Com. Sub. for H. B. 4067, Relating to crimes against property,

Com. Sub. for H. B. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home,

Com. Sub. for H. B. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster,

Com. Sub. for H. B. 4387, Donated Drug Repository Program,

Com. Sub. for H. B. 4546, Relating to tuberculosis testing for school superintendents,

Com. Sub. for H. B. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening,

Com. Sub. for H. B. 4620, Redefining definition of “recovery residence”,

Com. Sub. for H. B. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation,

Com. Sub. for H. B. 4670, Relating to the juvenile restorative justice programs,

Com. Sub. for H. B. 4690, Relating to solid waste facilities,

And,

H. B. 4955, Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons.

Leaves of Absence

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

Delegate Fluharty moved that the motion to discharge **H. B. 2741**, Relating to unlawful discriminatory practices in categories

covered by the Human Rights Act and the Fair Housing Act, from the Committee on Industry and Labor, be taken from the table.

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. 184**), and there were—yeas 34, nays 58, absent and not voting 8, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Azinger, Byrd, Canestraro, Lavender-Bowe, Linville, Rodighiero, Swartzmiller and Toney.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

Miscellaneous Business

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

- Delegate Kump regarding Com. Sub. for H. B. 4158
- Delegate Miley during Remarks by Members
- Delegate Caputo regarding Com. Sub. for H. B. 4615
- Delegate Zukoff for H. B. 4790
- Delegate Hanna for H. B. 4790
- Delegate Pack during Remarks by Members

- Delegate Cadle during Remarks by Members
- Delegate Hill during Remarks by Members
- Delegate Fluharty during Remarks by Members
- Delegate Hornbuckle during Remarks by Members

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

- Delegate Mandt for H. B. 4603
- Delegate Pushkin for H. B. 4668, H. B. 4773 and H. B. 4797
- Delegate Sypolt for H. B. 4705 and H. B. 4862
- Delegate C. Thompson for H. B. 4804
- Delegates Byrd, Higginbotham, Rohrbach and Skaff for H. B. 4843
- Delegate D. Jeffries for H. B. 4799
- Delegate Rohrbach for H. C. R. 82

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

- Delegate Mandt for H. B. 4445
- Delegate McGeehan for H. C. R. 9

Delegate Espinosa noted to the Clerk that he was absent when the votes were taken on Roll Nos. 145 through 162, and had he been present, he would have voted "Yea" on Roll Nos. 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 157 and 158; and "Nay" on Roll Nos. 148, 159, 160, 161 and 162.

At 3:09 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 14, 2020.

Friday, February 14, 2020

THIRTY-EIGHTH DAY

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 13, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 4543, Relating to insurance coverage for diabetics,

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

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

With the recommendation that the committee substitute do pass.

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

Your Committee on Education has had under consideration:

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

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

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

With the recommendation that the committee substitute do pass.

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

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

Your Committee on Education has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4804) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

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

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

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

Your Committee on Government Organization has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4748) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

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

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

Com. Sub. for H. B. 2028 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts' laying

of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered,”

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

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

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

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

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

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

And,

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

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

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

With the recommendation that the committee substitutes each do pass.

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

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

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

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

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

With the recommendation that the committee substitute do pass.

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

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

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4784) was referred to the Committee on the Judiciary.

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

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

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

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

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

With the recommendation that the committee substitute do pass.

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

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4862) was referred to the Committee on Finance.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4778) was referred to the Committee on Health and Human Resources.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4705) was referred to the Committee on the Judiciary.

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

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

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4603) was referred to the Committee on the Judiciary.

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

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

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4574) was referred to the Committee on Government Organization.

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

Your Committee on Industry and Labor has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 2646) was referred to the Committee on the Judiciary.

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

By Delegate Fast:

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

Whereas, The State of West Virginia engages in numerous contractual relationships to carry out the business of the state and provide services to the citizens of West Virginia; and

Whereas, Innovative technology and solutions emerge every day to make the business of state government more efficient and cost effective; and

Whereas, The State of West Virginia should be exploring ways to leverage technology to save tax dollars while balancing federal requirements and privacy expectations of citizens and the vendor community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the ways in which technology may be utilized by the State of West Virginia to better manage vendors, provide transparency, enable state agencies to make business decisions; and be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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 a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

And,

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

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

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

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

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

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

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

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

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

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

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

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

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

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

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

And,

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

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 4, H. C. R. 14, H. C. R. 19, H. C. R. 34, H. C. R. 35, H. C. R. 38, H. C. R. 39, H. C. R. 45, H. C. R. 52, H. C. R.

53, H. C. R. 55, H. C. R. 62, H. C. R. 65 and H. C. R. 70) were each referred to the Committee on Rules.

Delegate Butler, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

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

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

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

Com. Sub. for H. C. R. 17 – “Requesting the Division of Highways name bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis County, the ‘U. S. Army PFC William E. “Ed” Smith and WVARNG SSG Edward L. “Eddie” Smith Memorial Bridge’,”

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

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

Com. Sub. for H. C. R. 20 – “Requesting the Division of Highways name bridge number 18-77-119.23 NB & SB (18A147,

18A148), Lat/Long: 38.58855, -81.64116 locally known as Spicewood Bridges NB & SB, carrying Interstate 77 over Spicewood Branch and CR 21/34 in Jackson County, the ‘U. S. Army PFC James Ray Miller Memorial Bridge’,”

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

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

Com. Sub. for H. C. R. 21 – “That the Division of Highways is hereby requested to name bridge number 44-79-25, locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the ‘U. S. Army SPC Franklin D. Ashley II Memorial Bridge’,”

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

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

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

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

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

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

And,

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

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

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

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

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

And,

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

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

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

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4619) was referred to the Committee on the Judiciary.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (H. B. 4464) was referred to the Committee on Government Organization.

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

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

H. B. 4734, Rewriting the article on registered professional nurses,

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

Com. Sub. for H. B. 4734 - "A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend said code by adding thereto a new section, designated §16-5B-19; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto 11 new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, and §30-7-31, all relating to the Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; renaming the board; providing for board composition and qualifications; setting

forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing criminal penalties; repealing expired authority; and updating references.”

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

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

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

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

H. B. 2724, Small Business Tax Credit,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2724) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 638 - "A Bill to amend and reenact §60-7-2, §60-7-6, §60-7-8a, and §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said code, all relating to creating new private club licenses and requirements for a private multivendor fair and festival license, private night club license, private tennis club license, and a private wedding venue license; setting private club license requirements; setting private club license fees; setting private club hours of operations; and permitting certain exceptions to the accompanied minor requirements"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

Com. Sub. for S. C. R. 8 - "Requesting the Division of Highways name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US Rt. 35 over Hurricane Creek in Putnam County, the 'U.S. Army 1LT Harold H. Frazier Memorial Bridge.',"

Whereas, Harold H. Frazier was born in Fraziers Bottom, Putnam County, West Virginia, on April 19, 1923, the son of Argyll Elwood Frazier and Pearl C. Livesey. He attended Winfield High School, where he was the first student to achieve the honor of All-State Future Farmer of America. He graduated as class salutatorian in 1941. He immediately enlisted in the U.S. Army,

citing growing tension around the world and his own sense of duty and patriotism as a reason for enlisting. His first duty station was in Hawaii, and he was stationed there when the Japanese attacked on December 7, 1941, making him a Pearl Harbor survivor; and

Whereas, After Pearl Harbor, Harold H. Frazier was promoted to lieutenant, and attended bombardier training school. After graduating bombardier training school, he was sent to Europe and flew many combat missions in Europe as a bombardier in a B-25 Mitchell Bomber. During his time in Europe, he was awarded the Silver Star, Distinguished Flying Cross, Purple Heart, and the Air Medal with 7 Oak Leaf Clusters; and

Whereas, After World War II, First Lieutenant Harold H. Frazier received a degree in forestry from West Virginia University and reenlisted in the U.S. Army to serve in the Korean War; and

Whereas, After the Korean War, First Lieutenant Harold H. Frazier settled in Dunbar, West Virginia, and spent the rest of his career as an industrial hygienist for Union Carbide Corporation; and

Whereas, First Lieutenant Harold H. Frazier died on April 9, 1996, in Cornelius, North Carolina, survived by his wife, Jane Frazier, and his children, Larry Frazier, Brad Frazier, Patty Frazier Gayhart, and John Frazier; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army First Lieutenant Harold H. Frazier and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US Rt. 35 over Hurricane Creek in Putnam County, the “U.S. Army 1LT Harold H. Frazier Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge

as the “U.S. Army 1LT Harold H. Frazier Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 12 - “Requesting the Division of Highways name bridge number 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the ‘U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge’.”

Whereas, Gary Alcott Birkhimer was born on October 3, 1930, in Colliers, Brooke County, to Terry and Ella Birkhimer; and

Whereas, Gary Alcott Birkhimer enlisted in the U.S. Army at the time of the Korean War; and

Whereas, Gary Alcott Birkhimer was a Private First Class as a heavy weapons infantryman in the 17th Infantry Regiment, 7th Infantry Division; and

Whereas, PFC Gary Alcott Birkhimer was killed in action on April 11, 1951, and was awarded the Purple Heart, Combat Infantry Badge, Korean Service Medal, National Defense Service Medal, Republic of Korea Presidential Citation, Republic of Korea War Service Medal, United Nations Service Medal, Distinguished Unit Citation, and the Army Good Conduct Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Gary Alcott Birkhimer and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the “U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

Delegates Longstreth, Pethtel, Evans, Angelucci, Hardy, Bibby, Rowe, Hicks, Tomblin, Zukoff, Williams, Atkinson, Bates, Boggs, Canestraro, Caputo, Fleischauer, Fluharty, Hill, J. Kelly, Lovejoy, Miller, Pushkin, Pyles, Robinson, Skaff, Staggers, Swartzmiller, R. Thompson, Walker and Wilson offered the following resolution, which was read by its title and referred to the Committee on Veterans’ Affairs and Homeland Security then Rules:

H. C. R. 86 - “Requesting that the West Virginia Legislature designates June 12th of each year as ‘Women Veterans Appreciation Day’ in the State of West Virginia.”

Whereas, Women have proudly served their country throughout all periods of the history of the United States; and

Whereas, Women have formally been a part of the United States Armed Forces since the inception of the Army Nurse Corps in 1901, and informally served since the inception of our nation’s military; and

Whereas, Since the American Revolution, women served on the battlefield alongside men, despite Army regulations stating only men can enlist, women joined the fighting disguised as young men; and

Whereas, Women constitute approximately 15 percent of our military personnel on active duty; and

Whereas, Women constitute more than 10 percent of the veteran population which is more than 2 million women; and

Whereas, West Virginia proudly appreciates the service of its women veterans who have demonstrated great skill, sacrifice, and commitment to defending the principles upon which our Nation was founded; and

Whereas, The State of West Virginia recognizes the growing presence of women in our Nation's armed forces and the State's National Guard and wishes to respect women veterans for their honorable military service by designating a day as "Women Veterans Appreciation Day" in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature designates June 12th of each year as West Virginia Women Veterans Appreciation Day and pays tribute to our brave women veterans; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Governor.

Delegates Campbell, Hornbuckle, Pack, Hill, Miller, Staggers, Longstreth, D. Jeffries, Canestraro and Fluharty offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 87 - "Recognizing the last day of February every year as Rare Disease Day to bring awareness to various rare diseases and the need to continue to fund research and find a treatment."

Whereas, Rare diseases are defined as any disease, disorder, illness or condition affecting fewer than 200,000 Americans; and

Whereas, Eighty percent of rare diseases are genetically based; and

Whereas, Families and private foundations provide about three percent of all medical research funding in the United States of America; and

Whereas, Seven thousand rare diseases exist, and less than 500 have approved treatments by the Food and Drug Administration; and

Whereas, Only five percent of all rare diseases currently have approved treatments; and

Whereas, Ninety percent of health care providers must treat the majority of rare disease patients with non-Food and Drug Administration approved drugs; and

Whereas, One in every 10 Americans has a rare disease and approximately 30 million Americans have a serious, lifelong condition; and

Whereas, Of the 30 million Americans with serious, lifelong conditions and rare diseases, approximately half are found in children; and

Whereas, Many rare diseases result in premature death of infants and young children or are fatal in early adulthood; and

Whereas, If every person with a serious, lifelong condition and rare disease held hands, they would circle the globe one and a half times; therefore, be it

Resolved by the Legislature of West Virginia:

That the last day in February of every year be recognized as Rare Disease Day to bring awareness to the necessity of conducting and funding research for treatments of rare diseases; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor.

Delegates Hanna, C. Martin and P. Martin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 88 - "Requesting the Division of Highways name bridge number: 51-26/1-0.02 (51A051), (38.48655, -80.29984) locally known as Bergoo Box Beam, carrying CR 26/1 over Leatherwood Creek in Webster County, the 'Johnnie Bryant Moore Memorial Bridge'."

Whereas, Johnnie Bryant Moore was born in Upshur County, West Virginia, on September 30, 1890. He married Hattie Samples and had six children, two of which died as infants. Hattie died of tuberculosis in 1925. Johnnie remarried and he and his wife had four children. Johnnie Bryant Moore moved to Bergoo, Webster County, in the late 1920s where he worked in logging for several years before going to the coal mines. As a miner, he had to buy his own tools to dig coal, hand pick and throw out any rock that was in the coal, load the coal and take it outside. The miners of his day had no dust apparatus, with their only equipment being their hard hat, picks, shovels and carbide lights; and

Whereas, Johnnie Bryant Moore knew the miners and their families could not continue under these conditions and he began to talk with the local miners about the UMWA. The miners were fearful for their lives if they took steps to form a union in Bergoo, but Johnnie and some of the other miners began a long, hard fight to get the union into the local mines. They literally fought, some were killed, but they succeeded in forming the first United Mine Workers of America union in Bergoo. Johnnie was a proud charter member of the UMWA 1466, District 31; and

Whereas, Johnnie Bryant Moore died on April 11, 1990, at age 99, five months shy of his 100th birthday, and his union dues were paid through December of that year; and

Whereas, It is fitting that an enduring memorial be established to commemorate Johnnie Bryant Moore and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge numbe: 51-26/1-0.02 (51A051), (38.48655, -80.29984) locally known as Bergoo Box Beam, carrying CR 26/1 over Leatherwood Creek in Webster County, the “Johnnie Bryant Moore Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Johnnie Bryant Moore Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates C. Thompson, Hartman, Estep-Burton, Stagers, Boggs, Sponaugle, Barrett, Caputo, Miley, Fleischauer and Bates offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 89 - “Requesting the Division of Highways name bridge number 49-29-00.83 (42A055), locally known as New Whitmer Bridge, carrying CR 29 over Gandy Creek in Randolph County, the ‘U. S. Army SGT James Shellace Armentrout Memorial Bridge’.”

Whereas, U.S. Army Sergeant James Shellace Armentrout was born on August 24, 1930, in Randolph County to Odith Sherman Armentrout and Ethel Armentrout. He attended the Randolph County schools and his mother aspired him to become a cook; and

Whereas, Sergeant Armentrout enlisted in the United States Army prior to the Korean War Conflict. He was a member of Company K, 3rd Battalion, 23rd Infantry Regiment, 2nd Infantry Division. In a letter dated March 22, 1949, his mother begged him

not to go to Korea. Per her request, Sergeant Armentrout put in for a delay in reporting for active duty. The request was denied on September 21, 1950; and

Whereas, On June 6, 1951, Sergeant Armentrout's parents received a Western Union Telegram notifying them their son was reported as missing in action on May 18, 1951. His mother's greatest fear had come true. She had already lost one son, Private Forrest William Armentrout in Belgium on January 4, 1945, and now perhaps another; and

Whereas, In a July 27, 1951, letter Mrs. Armentrout was given more complete information indicating that her son had been slightly wounded in the right hip and on May 18 was hand carried on a stretcher over the hills to the battalion aid station where he was given treatment. However, the aid station was attacked and before he could be evacuated, the station was overrun by the Chinese, and nothing more was heard or seen of her son. Later, after the area was retaken, a search for bodies was conducted but Sergeant Armentrout's body was not among those recovered; and

Whereas, A letter dated July 11, 1953, stated no additional information was available but that then-Corporal Armentrout had been promoted to sergeant. Another letter followed dated December 31, 1953, stating that Sergeant Armentrout was presumed dead as of that date. In yet another letter dated January 4, 1954, Sergeant Armentrout's mother was notified that her son had been awarded the Purple Heart. Sergeant Armentrout also received a Combat Infantryman's Badge, National Defense Service Medal, Korean Service Medal, United Nations Service Medal for Korea, Korean War Service Medal, Korean Presidential Unit Citation, and the Republic of Korea War Service Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Sergeant James Shellace Armentrout for his service to his state and country, having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge 49-29-00.83 (42A055), locally known as New Whitmer Bridge, carrying CR 29 over Gandy Creek in Randolph County, the “U. S. Army SGT James Shellace Armentrout Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT James Shellace Armentrout Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Cadle, Westfall, Graves, Foster, Worrell, Phillips, Hott, J. Jeffries, J. Kelly, Atkinson and Mandt offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 90 - “Requesting the Division of Highways name bridge number NHPP-0035(202) (11350), carrying U.S. Route 35 over County Route 29 and Little Sixteen Mile Creek in Mason County, the ‘Wood Brothers Memorial Bridge’.”

Whereas, William Lee Wood, a native of Indiana, enlisted in the U.S. Army during World War I and was assigned to a duty station guarding critical railroad structures along the Ohio River in Mason County, West Virginia, and there met Olive Velma Medors from Point Pleasant. At the time of his discharge in January 1919, William was noted for his “honest and faithful service” to the Army. William Lee Wood married Olive Medors and the two of them established a household and farmstead at Point Pleasant, where they had eleven children, ten sons and one daughter, and in addition raised a grandson, Jimmie Lee Wood, from birth as one of their own. William and Olive were hard-working parents and William encouraged all of his sons to serve their country in the armed forces as he had; and

Whereas, Charles Clifford Wood was born to William Lee and Olive Wood on October 24, 1919, and married Betty Schauer in 1939. They lived in Mason County for a few years where Charles was a fireman for the town of Point Pleasant. He enlisted in the U.S. Army on March 30, 1944 and served in World War II. After his discharge, he and his wife lived in Missouri and had two children, Judy and Terry. He eventually went to work for the E R Plumbing Company and became a labor foreman for nearly 50 men and he also was a member of the Civil Defense Auxiliary Police in Kirkwood, Missouri; and

Whereas, Lewis Lee “Tudy” Wood was born to William Lee and Olive Wood on March 11, 1921, and, in his youth, was trained as a boxer and competed in both West Virginia and Ohio. He joined the United States Navy on January 15, 1940, in which he served for six years, seeing action in both the European and Pacific Theaters during World War II. His service also included duty aboard the Presidential Yacht. After serving his country he worked in construction as a boilermaker and occasionally worked as a painter with a couple of his brothers; and

Whereas, Elmer “Emo” Wood was born to William Lee and Olive Wood on October 21, 1922, and at the age of 20, enlisted in the United States Army, becoming a Technician in the 563rd Ordnance Heavy Maintenance Company where he was known as the “West Virginia Kid” and served in the European Theater during World War II. He married Genevieve L. Holley and they had five children, Diana, Stephen, John, Chuck, and Melody. After his discharge from the Army, Emo Wood worked in equipment maintenance for the Foote Mineral Corporation of New Haven, West Virginia. He was a member of the American Legion Post 140 of New Haven and was an avid Little League Coach for the New Haven Yankees. As a coach he was known for two traits: he instilled a sense of fairness in his players, making sure that everyone got a chance to play during a game, and frequently took the team for his treat of ice cream at Roush’s Drive-in; and

Whereas, Raymond Leonard Wood was born to William Lee and Olive Wood on February 8, 1924, and he entered the United States Army on April 5, 1941, serving as a Rifleman in the 10th

Armored Infantry Battalion, 4th Armored Division, and saw action in the European, African, and Middle Eastern Theaters during World War II. After his discharge in 1946, he returned to the Mid-Ohio River Valley where he worked in construction as an iron worker and also maintained a farm in Gallia County, Ohio, raising cattle. He married Clara Boardman and together they raised her daughter, Athens Kingery. After his farming days, he returned to Point Pleasant where he worked for the American Legion Post 23; and

Whereas, Donald Melvin “Don” Wood was born to William Lee and Olive Wood on May 14, 1926, and, in his youth, enjoyed roller skating dance competitions, frequently participating with his sister, Sybil, and he once skated in an event at Madison Square Garden. He enlisted in the United States Navy on April 3, 1943, and was assigned to the Navy Armed Guard, which consisted of specialty units stationed on merchant ships to provide defensive firepower protecting the merchant ships in transit and this was considered one of the most hazardous assignments during World War II. He met and married Luella E. McMillin prior to his discharge from the Navy and, following his service, they raised two sons, Russell Lee and Donald Eugene. Don Wood worked in construction as a painter and was the business agent for the painters’ union at Point Pleasant, West Virginia. He eventually became a superintendent and office manager for C. H. Heist Corporation, for which he traveled through many states and the territories of Puerto Rico and the Virgin Islands. He was also a member of the Broad Run Rod and Gun Club and of American Legion Post 140 in New Haven, West Virginia; and

Whereas, Robert Lightburn “Bobby” Wood was born to William Lee and Olive Wood on July 21, 1928 and learned to be an arc welder. He enlisted in the United States Army on December 30, 1948, and, with the commencement of armed conflict in Korea, was dispatched with the 82nd Antiaircraft Artillery Automatic Weapons Battalion, 2nd Infantry Division. In February 1951, his artillery battery was attacked by numerically superior forces and was ordered to withdraw. His column came under heavy fire and, as they were moving out, he spotted a wounded member of his unit

in a small ravine beside the road. In the face of heavy gunfire, he leapt from his armored vehicle to retrieve the wounded soldier. For several acts of gallantry in this conflict he was awarded the Bronze Star and, after Senator Robert C. Byrd petitioned on his behalf, the Silver Star. He married Patricia Marie Haden and they had two children, Connie and David. After service in the Army, he worked as an iron worker and was a member of the United Steelworkers of America. He also was a member of the Bellemead United Methodist Church in Point Pleasant, the Minturn Lodge No. 19, AF & AM, and American Legion Post 23 in Point Pleasant; and

Whereas, F. Paul Wood was born to William Lee and Olive Wood on November 21, 1929, and entered the United States Marine Corps on September 27, 1950, and was assigned to the Second Engineer Battalion, Second Marine Division, where he was cited for his “honest and faithful service”. After his discharge from active duty in 1952, he joined the U.S.M.C. Reserves, eventually retiring from the 4th Combat Engineer Battalion in Cross Lanes, West Virginia. He married Rebecca Buckner and the two of them were blessed with a son, William “Chip” Wood. After leaving the service, Paul Wood became an industrious entrepreneur, eventually becoming the owner of the Point Service Store, the New Haven Theater, and the manager of the Mason Drive-in and State Theatre where he spearheaded the theater’s restoration. He was also known for his civic involvement, with membership in the Minturn Lodge No. 19, AF & AM, the Mason County Solid Waste Authority, and the Fort Randolph Committee. He was a member of and helped build the Point Pleasant River Museum, he was a former Fire Chief for the Point Pleasant Fire Department, and he was named as Volunteer of the Year for the Main Street Point Pleasant Organization; and

Whereas, William Milton “Bill” Wood was born to William Lee and Olive Wood on January 2, 1938, and began a long military career while he was still in high school in Point Pleasant, joining the West Virginia Army National Guard. He was later called up for active duty and stationed in Kitzingen, Germany and he also later served on active duty at Fort Polk, Louisiana during the Cuban Missile Crisis period. He began his military service as an Engineer

Supply Specialist and soon distinguished himself for exceptional achievement as a logistics and supply specialist with a thorough knowledge of the Army Maintenance Management System. Throughout his service he repeatedly received recognition for his knowledge, judgment, and devotion to duty. He married Barbara Lieving in May 1961 and they were blessed with three children, Shawn, Chris, and Amy. Bill Wood retired on January 2, 1998 after 43 years of service to the Army; and

Whereas, It is fitting that an enduring memorial be established to commemorate the tradition of service of the men of this family and their contributions to their community, to our state, and our country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number NHPP-0035(202) (11350), carrying U.S. Route 35 over County Route 29 and Little Sixteen Mile Creek in Mason County, the “Wood Brothers Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs identifying the bridge as the “Wood Brothers Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Delegates Hott, Howell, Rowan, Mandt, D. Kelly, Worrell, Phillips, Cadle, Toney, J. Jeffries and Fast offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 91 - “Requesting the Division of Highways to name a portion of Patterson Creek Road on County Route 11, from the intersection of U. S. 50 to Shirley Lane at County Route 50/4, Burlington, in Mineral County, the ‘Caldwell Brothers Memorial Road’.”

Whereas, The six Caldwell brothers of Burlington, Mineral County, West Virginia have all served their country in the various branches of the military from Japan during WW II, the Korean War, the “Cold War”, and in Vietnam; and

Whereas, PFC James A Caldwell served in the Army during WW II in Japan. Engineman Third Class Richard C. Caldwell served in the Navy during the Korean War. PFC E-3 William R. Caldwell served in the Army during the Vietnam War. AME2 Douglas L Caldwell served three tours in the Navy during the Vietnam War. SGT. (T) Thomas N. Caldwell served in the Army during the Vietnam War; and

Whereas, Naming this road is an appropriate recognition of the Caldwell brothers’ contributions to their country, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Patterson Creek Road on County Route 11, from the intersection of U. S. 50 to Shirley Lane at County Route 50/4, Burlington, in Mineral County, the “Caldwell Brothers Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the road as the “Caldwell Brothers Memorial Road”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Special Calendar

Third Reading

S. B. 300, Updating certain terms in WV Corporation Net Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 185**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 300) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 186**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 300) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

S. B. 310, Updating certain terms used in WV Personal Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 187**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 310) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 188**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 310) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 4155, Relating generally to the regulation of plumbers; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 189**), and there were—yeas 88, nays 5, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bartlett, Fast, Jennings, P. Martin and Porterfield.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4198) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on Com. Sub. for H. B. 4217 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

During remarks by Delegate Steele, the Speaker reminded all members to not impugn the motives of any member speaking in debate.

* * * * *

Speaker Pro Tempore Cowles in the Chair

* * * * *

On motion of Delegate Summers, the bill (Com. Sub. for H. B. 4217) was placed at the foot of all bills on the calendar.

H. B. 4406, Relating to the reproduction of checks and other records; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 190**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, S. Brown, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4406) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 191**), and there were—yeas 86, nays 6, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast, J. Jeffries, McGeehan, R. Thompson and Wilson.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4513) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for S. B. 534, Removing workers' compensation exclusion for temporary legislative employees; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk and adopted, on page five, line one hundred three, by striking out the word “vaccine” and inserting the word “immunization”.

The bill was then ordered to third reading.

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page one, section nine, lines seven through eight, by striking out “: *Provided*, That the customer shall have the freedom to choose any brand that meets the specifications”.

On page two, line forty, after the word “commissioner”, by inserting “or his or her designee”.

On page three, line forty-one, after the word “her”, by striking out the word “agent” and inserting in lieu thereof the word “designee”.

On page three, line forty-six, after the word “code”, by changing the period to a colon and inserting the words “*And provided further*, That the customer shall have the freedom to choose the brand of any required backflow prevention assembly that otherwise meets the required specifications of the commissioner or his or her designee.”

The bill was then ordered to engrossment and ordered to third reading.

Com. Sub. for H. B. 4067, Relating to crimes against property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4387, Donated Drug Repository Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4546, Relating to tuberculosis testing for school superintendents; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4620, Redefining definition of “recovery residence”; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4670, Relating to the juvenile restorative justice programs; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Graves, the bill was amended on page three, line fifty-seven, after the word “juvenile”, by inserting the words “has not previously successfully completed a restorative justice program and”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4690, Relating to solid waste facilities; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

H. B. 4955, Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Longstreth, was reported by the Clerk, on page one, section four, line three, by striking out the number “\$25” and inserting in lieu thereof the number “\$50”.

On page three, section four, line sixty-five, by striking out the words “Twenty-five dollars of the” and inserting in lieu thereof the word “The”.

On page eight, section four-a, line four, by striking out the number “\$15” and inserting in lieu thereof the number \$20”.

And,

On page ten, section four-a, line sixty-four, by striking out the words “Twenty dollars of the” and inserting in lieu thereof the word “The”.

Delegate C. Martin moved the previous question, which demand was sustained.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 192**), and there were—yeas 35, nays 56, absent and not voting 9, with the yeas and absent and not voting being as follows:

Yeas: Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Criss, Dean, Fast, Foster, Hanna, Higginbotham, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Little, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rohrbach, Rowan, Steele, Toney, Waxman and Wilson.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the motion for the previous question was rejected.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 193**), and there were—yeas 11, nays 80, absent and not voting 9, with the yeas and absent and not voting being as follows:

Yeas: Byrd, Doyle, Fleischauer, Hansen, Longstreth, Miller, Pushkin, Pyles, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, was read a first time and ordered to second reading:

S. B. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates,

Com. Sub. for H. B. 2775, Requiring each high school student to complete a full credit course of study in personal finance,

Com. Sub. for H. B. 4092, Relating to foster care,

Com. Sub. for H. B. 4165, West Virginia Remembers Program,

H. B. 4519, Establishing a summer youth intern pilot program within Department of Commerce,

Com. Sub. for H. B. 4621, West Virginia FinTech Regulatory Sandbox Act,

Com. Sub. for H. B. 4633, Expanding county commissions' ability to dispose of county or district property,

And,

Com. Sub. for H. B. 4729, Requiring higher education institutions to use previous versions or editions of instructional materials.

The House of Delegates then resumed consideration of **Com. Sub. for H. B. 4217**, Authorizing the Department of Environmental Protection to promulgate legislative rules; which had been read a third time and placed at the foot of all bills in earlier proceedings.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 194**), and there were—yeas 52, nays 39, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4217) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 195**), and there were—yeas 56, nays 35, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Foster, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Swartzmiller, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the motion was rejected.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Walker during Remarks by Members

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate Lovejoy for H. B. 4773
- Delegate Bibby and Cooper for H. B. 4843
- Delegate Miller for H. B. 4797
- Delegate Fast for H. B. 4396
- Delegate Bartlett for H. B. 4589
- Delegate Mandt for H. B. 4662
- Delegate C. Thompson for H. B. 4508, H. B. 4534 and H. B. 4759
- Delegate D. Kelly for H. B. 4589
- Delegate Pyles for H. B. 4786, H. B. 4806, H. B. 4815, H. B. 4824, H. B. 4827, H. B. 4828, H. B. 4829, H. B. 4838, H. B. 4845, H. B. 4846, H. B. 4847, H. B. 4848, H. B. 4855, H. B. 4871, H. B. 4873, H. B. 4881, H. B. 4894, H. B. 4895, H. B. 4900, H. B. 4901, H. B. 4906, H. B. 4917, H. B. 4921, H. B. 4931, H. B. 4935, H. B. 4941, H. B. 4948 and H. B. 4950

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be removed as a cosponsor of the following:

- Delegate Bibby for H. B. 4662
- Delegate C. Martin, P. Martin, Dean and Philips for H. C. R. 9

At 2:05 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 17, 2020.

Monday, February 17, 2020

FORTY-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 Friday, February 14, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 534 and Com. Sub. for H. B. 4155, on Third Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4690, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate Bibby, 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. 4511, Relating to exemptions for the United States Department of Veterans' Affairs Medical Foster Homes,

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. 4511) was referred to the Committee on Health and Human Resources.

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. 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (H. B. 4589) to the Committee on Government Organization was abrogated.

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. 4608, Relating to the duties of the law-enforcement training and certification subcommittee,

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. 4608) 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:

Com. Sub. for S. B. 209, Relating to annexation by minor boundary adjustment,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 209) to the Committee on Government Organization was abrogated.

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. 4396, Relating to reporting suspected governmental fraud,

H. B. 4402, Relating to designation of early voting locations,

H. B. 4715, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest,

H. B. 4797, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership,

And,

H. B. 4946, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy,

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. 4396, H. B. 4402, H. B. 4715, H. B. 4797 and H. B. 4946) were each 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. 4070, Compensating counties for state-owned lands through payments in lieu of taxes,

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. 4070) was referred to the Committee on Finance.

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. 4638, Modifying the authority of medical examiners regarding the disposition of bodies,

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.

In accordance with the former direction of the Speaker, the bill (H. B. 4638) was referred 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. 4039, Providing limitations on nuisance actions against fire department and emergency medical services,

H. B. 4529, Relating to the collection of assessments and the priority of liens on property within a resort area,

And,

H. B. 4777, Relating to the right of disposition of remains,

And reports the same back with the recommendation that they each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Shott, Lovejoy and Fast:

H. B. 4956 - “A Bill to amend and reenact §37-4-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto five new sections, designated §37-4-9, §37-4-10, §37-4-11, §37-4-12, and §37-4-13, all relating generally to the partition of real property; providing for allotment or sale of real property and procedures therefore; providing for appointment, duties, and requirements for commissioners for partitions; providing certain relevant factors to be considered in determining whether partition in kind is appropriate; providing for rebuttable presumptions regarding property valuation and partition in kind of severed minerals; providing procedures for courts to follow in determining the fair market value of real property being partitioned; providing for appointment, duties, and requirements for appraisers for partitions; providing for open-market sales, sealed bids, or public auctions of real property being partitioned and procedures and exceptions therefore; providing for appointment, duties, and requirements for real estate brokers for partitions; providing reporting requirements and report contents for open-market sales; providing for a reserve price in open market sales; providing protections from sale for certain specified real property interests.”

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. 4422, The Patient Brokering Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4422 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, and §16-60-3, all relating to prohibiting patient brokering; defining terms; prohibiting causing or participating in acts that are intended to derive any benefit or profit from referral of a patient to a healthcare provider or health care facility; prohibiting patient brokering related to a recovery residence; establishing criminal penalties for persons and business entities engaged in unlawful patient brokering; providing exceptions; and defining terms,”

H. B. 4593, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances,

And reports back a committee substitute therefor, with the new, as follows:

Com. Sub. for H. B. 4593 - “A Bill to amend and reenact §3-1-5 and §3-1-30 of the Code of West Virginia, 1931, as amended, all relating to authorizing the assignment of poll workers to serve more than one precinct when those precinct polling places are located in the same building or facility,”

And,

H. B. 4852, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4852 - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver, a controlled substance; and, increasing the penalty for methamphetamine,”

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. 4009, Relating to the process for involuntary hospitalization,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4009 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized staff physician, after examination, to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; defining terms; providing for payment for services; limiting liability; and requiring the West Virginia Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, designated county magistrates, and circuit judges,”

H. B. 4015, Relating to Broadband Enhancement and Expansion,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4015 - “A Bill to amend and reenact §17-2E-3, §17-2E-5, §17-2E-6, 17-2E-8, and 17-2E-9 of the Code of

West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §17-2E-6a and §17-2E-6b; to amend and reenact §31-15-8 of said code; to amend and reenact §31G-1-3 and §31G-1-6 of said code; and to amend said code by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3 and §31G-5-4, all relating generally to economic development; providing a timetable for Division of Highways to approve or deny applications for right-of-way access; providing that telecommunications carriers may satisfy an obligation to provide the notice to other telecommunications carriers under this section by requesting the assistance and coordination of the Broadband Enhancement Council; providing the Broadband Enhancement Council is responsible for ensuring compliance with certain requirements; setting the fair market value for purposes of this article at \$0 in monetary compensation if the division is required by law to accept compensation for use of the division's right of way; providing the division may receive in-kind compensation; explaining what the division may consider when valuing in-kind compensation; delineating that in-kind compensation may be used only for state purposes; setting forth that where two or more providers share the obligation of compensating the division they shall do so on a fair, reasonable and equitable basis; providing that subject to the provisions of the Vertical Real Estate Management and Availability, the division may enter into an agreement and issue a permit to allow any carrier to use excess telecommunications facilities owned or controlled by the division; providing that with gubernatorial approval, the division may transfer or assign the rights related to a telecommunications facilities owned or controlled by the division to any other state agency; allowing the commissioner to establish a policy to provide for installation of conduit on bridges; changing language relating to the commissioner's rule-making authority; permitting the existing insurance fund to insure additional broadband internet service; giving the Governor authority to name the chair of the Broadband Enhancement Council; providing that executive agencies shall cooperate with and provide all necessary information to the council to determine the feasibility and federal allowability of creating Advanced Regulatory Environment Analysis (AREA) maps; enacting the Vertical Real Estate

Management and Availability Act; requiring the Department of Administration to coordinate with the Governor to seek proposals to manage state-owned vertical real estate; establishing how the vertical real estate is to be managed; defining ‘vertical real estate’ as any structure that is suitable for the mounting of communications equipment and associated ground facilities; providing for a distribution of funds from leasing state-owned vertical real estate; and, setting forth certain exceptions to the availability for management of state-owned vertical real estate,”

And,

H. B. 4594, Allowing poll workers to be appointed to work in precincts outside their county,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4594 - “A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to allowing election officials to be appointed to work in precincts outside their county of residence; and prohibiting candidates for certain offices from serving as election officials for 18 months prior or subsequent to an election,”

With the recommendation that the committee substitutes each do pass.

Delegate Atkinson, 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. 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear,

And reports the same back with the recommendation that it 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. C. R. 75, Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone's Peak,

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 Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 75) was referred 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. 4749, Providing more efficient application processes for private investigators, security guards, and firms,

H. B. 4864, Relating to performance reviews of state agencies and regulatory boards,

And,

H. B. 4865, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures,

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. 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4747 - “A Bill to amend and reenact §29-19-2, §29-19-5, §29-19-6, and §29-19-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §39-4A-2 of said code; and to amend and reenact §47-2-1 and §47-2-3, all relating generally to extending current laws allowing electronic submission of applications and forms to the Secretary of State’s Office relating to licensure or regulation charities, nonprofit organizations, out-of-state commissioners, and trademarks; providing new definitions for the term ‘sign’ and ‘signature’ relating to applications or forms in the foregoing regulated industries; providing for more efficient application processes in the foregoing regulated industries; and technical typographical changes to distinguish the Secretary of State from an entity’s secretary or administrative assistant,”

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. 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises,

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. 339, Authorizing DHHR promulgate legislative rules,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 14, 2020, he approved **H. B. 4103, H. B. 4393, Com. Sub. for S. B. 311 and Com. Sub. for S. B. 357.**

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. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

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 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-17. Form of application; age and residency requirements; exceptions.

(a) The Firemen’s Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed

examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence, and post office address;

(2) His or her United States citizenship, age, and the place and date of his or her birth;

(3) His or her state of health, and his or her physical capacity for the public service;

(4) His or her business and employments and residences for at least three previous years; and

(5) Any other information reasonably required, touching upon the applicant's qualifications and fitness for the public service.

(b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.

(c) The commission may require, in connection with the application, certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service requires.

(d) Except as provided in subsections ~~(e)~~ and ~~(f)~~ (e), (f), and (g) of this section, the commission may not accept an application for original appointment if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.

(e) If any applicant is an honorably discharged veteran of any branch of the United States armed forces, armed services reserve, or National Guard, then the individual may apply for an original appointment if the applicant is not more than 40 years of age.

~~(e)~~ (f) If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period

of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual is eligible for appointment by reinstatement in the discretion of the Firemen's Civil Service Commission, even though the applicant is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. The applicant shall undergo a medical examination; and if the individual is so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.

(f) (g) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:

(1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or

(2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

~~(g)~~ (h) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and are not entitled to seniority considerations.

~~(h)~~ (i) Notwithstanding charter provisions to the contrary, any applicant for original appointment need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department.”

And,

By amending the title of the bill to read as follows:

H. B. 4030 - “A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit of an honorably discharged veteran of the United States armed forces, armed service reserves, or National Guard to 40 years of age for an application for original appointment.”

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. 196**), 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: Azinger and Miley.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4030) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 197**), 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: Azinger and Miley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4030) takes effect from passage.

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

Com. Sub. for S. B. 288 - “A Bill to amend and reenact §16-2B-1 of the Code of West Virginia, 1931, as amended, relating to family planning and child spacing; extending family planning resources provided by Bureau for Public Health to other entities; providing that Bureau for Medical Services shall not require multiple office visits for women who select long-acting reversible contraceptive (LARC) methods unless medically necessary; requiring Bureau for Medical Services to provide payment for LARC devices and services; authorizing Bureau for Public Health to make LARC products available in practitioner offices without upfront practitioner costs; requiring Bureau for Public Health to develop statewide plan and providing requirements for plan; and requiring annual report by Department of Health and Human Resources”; which was referred to the Committee on Health and Human Resources.

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. 554 - “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; and providing a requirement that county clerks accept and record said affidavit"; 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. 583 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-10, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multiyear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy-generating facilities, energy-storage resources, or both; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods,

practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission-approved rates that include cost recovery with certain defined items; defining ‘concurrent cost recovery’; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date”; 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. 733 - “A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to the criteria for political party status; and allowing a group of affiliated voters to become a recognized political party if the group’s candidate receives at least one percent of the votes statewide in an election for either President or Governor”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Rowe and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. R. 11 - “Calling on Congress to recognize June 19 as Juneteenth National Freedom Day.”

Whereas, For more than 137 years, Juneteenth National Freedom Day has been the most recognized African American holiday observance in the United States. Also known as “Emancipation Day”, “Emancipation Celebration”, “Freedom Day”, “Jun-Jun”, “Juneteenth Independence Day”, and “Juneteenth”, Juneteenth National Freedom Day commemorates the survival through strength and determination of African Americans, who were first brought to this country stacked in the

bottom of slave ships in a month long journey across the Atlantic Ocean, known as the “Middle Passage”; and

Whereas, Approximately 11 1/2 million African Americans survived the voyage to the New World. The number that died is likely greater. For more than 200 years, African American slaves were subjected to whipping, castration, branding, rape and the tearing apart of their families; and

Whereas, While slaves were emancipated in 1862 when then President Abraham Lincoln signed the Emancipation Proclamation (later issued on January 1, 1863) abolishing slavery, the existence of slavery in the South did not end until June of 1865. Juneteenth commemorates the day that freedom was proclaimed to the last slaves in the South by Union General Gordon Granger, on June 19, 1865; and

Whereas, Juneteenth, June 19, 1865, is celebrated annually in more than 205 cities and is officially recognized in Alaska, Delaware, Florida, Idaho, Iowa, Kentucky, Louisiana, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Washington, Wisconsin and Wyoming; and

Whereas, In 1997, the United States Congress adopted a joint resolution recognizing Juneteenth as the true independence day for African American citizens; and

Whereas, Americans of all colors, creeds, cultures, religions and countries-of-origin share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions. Juneteenth is part of a cycle of memorials to freedom and independence observed in America annually that culminates with the 4th of July. “Until All are Free, None are Free” is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; therefore, be it

Resolved by the House of Delegates:

That Congress should take immediate action to recognize Juneteenth National Freedom Day as a national memorial day to

honor human rights, freedom and independence for all peoples; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the West Virginia Delegation in the United States House of Representatives and the United States Senate.

Delegates Campbell, Pack, Sypolt, Rowan, Atkinson, Cooper, Hott, D. Kelly, Jennings, Westfall and Lavender-Bowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 92 - "Requesting the Division of Highways name bridge number 13-036/00-000.09 (13A083), locally known as Howards Creek Bridge, carrying County Route 36 over Howards Creek in Greenbrier County, the 'Mayor Abraham E. Huddleston Memorial Bridge'."

Whereas, Abraham Huddleston was born December 15, 1855, in Allegheny County, Virginia; and

Whereas, Due to the Civil War, educational opportunities for Abraham Huddleston were very scarce; however, the tribulations he experienced during the Civil War led Abraham Huddleston to have an entrepreneurial spirit through his life; and

Whereas, In 1869, at just 14 years old, Abraham Huddleston started work at a brick yard as a stable boy, later that same year he also worked at a general store, and also obtained a job as a freight and ticket agent for a railroad for a total salary of \$11 per month; and

Whereas, Abraham Huddleston studied telegraphy to obtain a job in 1874 as an agent and operator in Callaghan, Virginia, at a salary of \$35 per month; and

Whereas, The meager salary of an agent and operator drove Abraham Huddleston to resign from his post and purchase timber and land in Greenbrier County, West Virginia, in 1888 where Abraham moved his family to White Sulphur Springs which remained his home until his death; and

Whereas, Abraham Huddleston set up several businesses in White Sulphur Springs, the first being the White Sulphur Supply Company, a retail store for members of the community; the second the Mountain Milling Company which supplied the community with grain, feed and, later, electricity; and

Whereas, Abraham Huddleston was elected to be the first mayor of White Sulphur Springs and was also elected as a delegate to represent his constituents in the West Virginia Legislature for two sessions; and

Whereas, Abraham Huddleston was a devout member of the Methodist Church, supporting the church as a superintendent for Sunday school for almost 40 years, and later, Abraham represented his church in conferences across the United States of America as a member of the joint board of finance for the church; and

Whereas, Abraham E. Huddleston passed away in 1940 and was buried in Greenbrier County next to his first wife, Isabella Richardson, to whom he was married for 42 years and preceded him in death due to influenza in 1919, and next to his second wife, Elizabeth Peacock, who passed in 1953; and

Whereas, It is fitting that an enduring memorial be established to commemorate Mayor Abraham E. Huddleston 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 13-036/00-000.09 (13A083), locally known as Howards Creek Bridge, carrying County Route 36 over Howards Creek in Greenbrier County, the “Mayor Abraham E. Huddleston 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 “Mayor Abraham E. Huddleston Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

Delegates Evans, Rodighiero, Tomblin, Miller, Zukoff, Williams, R. Thompson, Atkinson, Hicks, Swartzmiller and Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 93 - "Requesting the Division of Highways name bridge number 24-005/02-004.51 (24A031), (37.41379, - 81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the 'U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge'."

Whereas, U.S. Army Specialist Dennis Harvey Roberts was born on April 12, 1949, in McDowell County; and

Whereas, Specialist Roberts was a resident of Avondale, West Virginia for nearly 40 years. He was a well-respected member of the Avondale Community. He raised a family there, in the community he loved so much. "Ritter Hollow" as the locals call it, is home to Avondale. Specialist Roberts lived "up the hollow" for nearly 50 years. As a young man, he became a member of the United States Army. He was deployed to Vietnam, where he would spend 11 months and 15 days in the defense of our country. Specialist Roberts' last duty assignment was Troop A 2TM Squadron 1* Cavalry, 24 Armed Division, Fort Hood, Fourth Army. Specialist Roberts was a combat infantry man and was specially trained in auto mechanics, track, and vehicle mechanics; and

Whereas, Specialist Roberts was a highly decorated soldier, having been awarded the following commendations by the Army: National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal with one Bronze Star, Republic of Vietnam Campaign Medal, Marksman with Rifle bar, and Combat Infantry Badge; and

Whereas, Specialist Roberts was honorably discharged from the Army on April 1, 1975. He suffered from Post-Traumatic Stress Disorder (PTSD), a challenge he worked to overcome each day of his life. He also suffered a hearing loss in both ears, as result of his battlefield service. Specialist Roberts lost his struggle with PTSD and his life on June 18, 2016. Specialist Roberts demonstrated many hours of community service to not only Avondale, but to McDowell County. He has given countless hours of support to community activities such as local school groups and activities; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Specialist Dennis Harvey Roberts and his contributions to our country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-005/02-004.51 (24A031), (37.41379, - 81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the “U. S. Army SP4 Dennis Harvey Roberts 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 Dennis Harvey Roberts 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, C. Martin, Hott, Dean, Sponaugle, Ellington, Campbell, Hartman, Paynter, Pack 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. 94 - “Calling for the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side.”

Whereas, The U.S. Department of Commerce's Bureau of Economic Analysis shows that the outdoor recreation economy accounted for 2.2 percent (\$412 billion) of current-dollar GDP in 2016; and

Whereas, In 2017 Backcountry Discovery Routes generated \$17.3 million in new tourism expenditures, with the average traveling party spending \$3,769 per trip; and

Whereas, The construction of a licensed Off Highway Vehicle (OHV) semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side connecting existing OHV trails, and off-road parks where possible, would bring in significant tourism dollars. The proposed trail should enter West Virginia in the southern part of the state and exit in the Potomac Highlands; and

Whereas, The Legislature believes that the OHV trail will generate much needed economic stimulus to the state, create new jobs and increase tax revenue; therefore, be it

Resolved by the Legislature of West Virginia:

That the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side should be a high priority for State Government; and, be it

Further Resolved, That the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side can be supported by all West Virginians; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Governor and the state legislatures of the states where the Appalachian Trail traverses, Georgia, North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Vermont, New Hampshire and Maine with the addition of Alabama which lies to the west of Georgia and the trail.

Delegate Butler offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 95 - “To recognize and acknowledge that the State of West Virginia is prohibited from taking direct or symbolic action to respect nonsecular self-asserted sex-based identity narratives or sexual orientation orthodoxy pursuant to the Establishment Clause of the First Amendment of the United States Constitution and Article III Section 15 of the West Virginia Constitution.”

Whereas, Article III Section 15 of the West Virginia Constitution states, “No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess and by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this state, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contracts as he shall please”; and

Whereas, The United States is a Constitutional Republic that the State of West Virginia is part of; and

Whereas, Constitutional law preempts Federal law and State law; and

Whereas, The Establishment Clause of the First Amendment of the United States Constitution states that “[The Government] shall make no law respecting an establishment of religion; and

Whereas, The United States Supreme Court held in *Everson v. Bd of Education*, 330 U.S. 1 (1947) that the Establishment Clause of the First Amendment applies to the States through the Fourteenth Amendment; and

Whereas, The United States Supreme Court held in *Hein v. Freedom From Religion Foundation*, 551 U.S. 587 (2007) that the Establishment Clause applies to the executive branch, which includes this State's executive branch; and

Whereas, All religion amounts to is a set of unproven answers to the greater questions like why are we here, what gives us identity, what should we be doing as humans, and what happens after death; and

Whereas, The Establishment Clause of the United States Constitution was never solely designed to prohibit the government from respecting and recognizing the doctrines of institutionalized religions but of noninstitutionalized religions, like Secular Humanism, as well; and

Whereas, The religion of Secular Humanism is also commonly referred to by scholars as postmodern individualistic moral relativism or expressive individualism; and

Whereas, The United States Supreme Court found that Secular Humanism is a religion for the purposes of the First Amendment Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961), stating "among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism, and others. See *Oklahoma Ethical Society v. District of Columbia*, 101 U. S. App. D. C. 371, 249 F. 2d 127; *Fellowship of Humanity v. County of Alameda*, 153 Cal. App. 2d 673, 315 P. 2d 394; II Encyclopedia of the Social Sciences 293; 4 Encyclopedia Britannica (1957 ed.) 325-327; 21 id., at 797; Archer, *Faiths Men Live By* (2d ed. revised by Purinton), 120-138, 254-313; 1961 World Almanac 695, 712; Year Book of American Churches for 1961, at 29, 47"; and

Whereas, Most of the Federal Courts of appeals have found that Secular Humanism is a religion for the purpose of the First Amendment Establishment Clause in cases such as *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d Cir.1979), *Theriault v. Silber*, 547 F.2d 1279, 1281 (5th Cir.1977), *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981), *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th Cir. 2003), *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, 150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017), and *Wells v. City and County of Denver*, 257 F.3d 1132, 1148 (10th Cir. 2001); and

Whereas, The sworn testimonies provided by ex-gays, medical experts, persecuted Christians, and licensed ministers demonstrate that there is no real proof that a gay gene exists, that the idea that sexual orientation is predicated on immutability is not proven, and that sexual orientation is a mythology, dogma, doctrine, ideology, and orthodoxy that is inseparably linked to the religion of Secular Humanism; and

Whereas, The LGBTQ community is organized, full, and has a code by which members may guide their daily lives, making LGBTQ Secular Humanism a religion in view of the definition of what constitutes a religion provided by the Court in *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, 150 F. Supp. 3d 419, (3rd Cir. Aug. 4, 2017); and

Whereas, Instead of having a cross, the ten commandments, or the star and crescent, the LGBTQ Secular Humanist church has the rainbow-colored flag to symbolize their religious beliefs, practices, and values, which at least one person in every District believes is offensive, implausible, and objectionable; and

Whereas, When a person says that “they were born with a gay gene,” that they were “born in the wrong body,” or that they “came out of an invisible closet and were baptized homosexual,” they are making a series of unproven faith-based naked assertions that are implicitly religious and cannot be used as the basis for law or policy because the Establishment Clause preempts such action from being legally recognized, endorsed, or respected by government; and

Whereas, Regardless of political affiliation, all members of the general assembly and all executive and judicial officers bound by oath to put their own political and religious beliefs aside and to comply with their duty to honor their oath of office pursuant to Article VI to uphold the United States Constitution and to, therefore, immediately stop creating, respecting, and enforcing policies that condone the plausibility of self-asserted sex-based identity narratives and sexual orientation orthodoxy because all of those policies fail all three prongs of the Lemon Test established by the United States Supreme Court in *Lemon v. Kurtzman*, 403 U.S. 602 (1971) for:

- (1) Constituting nonsecular shams;
- (2) Cultivating indefensible legal weapons against nonobservers of the religion of Secular Humanism; and
- (3) Serving to excessively entangle the government with the religion of Secular Humanism; and

Whereas, The United States Supreme Court in *Edwards v. Aguillard*, 482 U.S. 578 (1987) and *Agostini v. Felton*, 521 U.S. 203, 218 (1997) found that if government action fails one prong of the Lemon Test, it is unconstitutional, and the evidence shows that the enforcement and creation of policies that respect nonsecular self-asserted sex-based identity narratives or sexual orientation ideology fail at least one prong of Lemon, if not all three; and

Whereas, The decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) were unequivocally part of an unprincipled ploy, political power play, and nonsecular sham that has not created a land rush on gay marriage and tolerance but has cultivated a land rush on Christian persecution and a land rush for devout Secular Humanists to infiltrate public elementary schools and public libraries with the sole purpose of indoctrinating minors with the sexualized religion of Secular Humanism with the government's stamp of approval, demonstration that those decisions themselves were nonsecular shams that constitutes government action that fails the prongs of the Lemon Test; and

Whereas, The United States Supreme Court in *Lee v. Weisman*, 505 U.S. 577, 592 (1992) found that there are “heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools [and in public libraries],” while also holding in *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987) that the government “should be particularly vigilant in monitoring compliance with the Establishment Clause in the public-school and [public library] context,” when minors are subjected to religious indoctrination with the perception of the government’s stamp of approval, and the State of West Virginia joins the high court in being vigilant in regards to those heightened concerns; and

Whereas, Nonsecular self-asserted sex-based identity narratives fall within the exclusive jurisdiction of the Free Exercise and Establishment Clause of the First Amendment of the United States Constitution, having nothing to do with the Fourteenth Amendment; and

Whereas, Attempts to shoehorn sexual orientation or nonsecular self-asserted sex-based identity narratives that are questionably real, moral or plausible into a Fourteenth Amendment Equal Protection or Substantive Due Process narrative by any state actor is a per se act of Constitutional, political and governmental malpractice; and

Whereas, The Supreme Court’s position in *INS v. Chada*, 462 U.S. 919 (1983) and *Nixon v. U.S.*, 506 U.S. 224 (1993) emphasized that the legislative branch must serve as a check on the Judicial and executive branch, and this state has a duty owed pursuant to Article VI to hold the other branches of government, whether they be state or federal, accountable; and

Whereas, The federal courts have held in cases like *Holloman v. Harland*, 370 F.3 1252 (11th Cir. 2004) that neither emotional appeals nor sincerity of belief can be used to usurp the Establishment Clause of the First Amendment; and

Whereas, The decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013)

hijacked the Fourteenth Amendment and were based solely on a series of emotional appeals as a way to get around the Establishment Clause of the First Amendment of the United States Constitution and constitute one of the greatest shams since the inception of American jurisprudence; and

Whereas, The government's endorsement and entanglement with LGBTQ and transgender ideology has been based purely on emotion in direct violation of the Establishment Clause of the United States Constitution, generating a per se constitutional crisis; and

Whereas, The United States Supreme Court held in *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44 (1996) and in *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38 (1936) that "Stare Decisis is at its weakest when the Supreme Court interprets the Constitution because its decisions can be altered only by constitutional amendment or by overruling prior decisions"; and

Whereas, The decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) exclusively involved constitutional interpretation in five to four splits that caused dissenting justices to make unprecedented statements such as "just who do we think we are" and "I write separately to call attention to this court's threat to American Democracy"; and

Whereas, Enacting the Establishment Act will ultimately serve to restore constitutional order by overruling *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) through overcoming stare decisis by relying on a superior jurisprudence acknowledged by the United States Supreme Court in *Cooper Industries, Inc. v. Aviall Services, Inc.* 543 U.S. 157 (2004) that "[constitutional] questions which merely lurk in the record, neither brought to [the] attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents"; and

Whereas, First Amendment Establishment Clause questions were lurking in the shadows of *Obergefell v. Hodges*, 135 S.Ct.

2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) but were neither brought to the attention of the court nor ruled upon, which means that both of those Supreme Court decisions do not constitute binding precedent and must immediately be disregarded by this state in accordance with the Legislature and Governor's continuing duties to comply with their oath of office pursuant to Article VI to uphold the Constitution of the United States no matter whom it offends, regardless of political or religious affiliation, and despite any emotional objections; and

Whereas, The Free Exercise Clause of the First Amendment of the United States Constitution states, "Congress shall make no law prohibiting the free exercise [of religion]"; and

Whereas, Enacting the Establishment Act clarifies that the original underlying legal basis behind the marriage bans that were struck down by the Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) that limited legally recognized marriage to a man and a woman was the First Amendment Establishment Clause and that the second legal basis for the original marriage bans was the state's narrowly tailored compelling interest to uphold contemporary community standards of decency and discourage licentiousness, constituting issues that were lurking in the shadows but never addressed in *Obergefell* by the defendants, which means that *Stare Decisis* does not spare *Obergefell* from being ignored, disregarded, and overturned; and

Whereas, The United States Supreme Court has repeatedly held that the states have a compelling interest to uphold community standards of decency, to discourage licentiousness, and to enact policies that stop attempts to justify practices that are inconsistent with the peace and safety of the state; and

Whereas, The court in *Schlegel v. United States*, 416 F. 2d 1372, 1378 (Ct. Cl. 1969) held that "any schoolboy knows that a homosexual act is immoral, indecent, lewd and obscene. Adult persons are even more conscious that this is true"; and

Whereas, The United States Supreme Court held in *Ginsberg v. New York*, 390 U.S. 629, (1968) and *Mishkin v. State of New*

York, 383 U.S. 502 (1966) that “to simply adjust the definition of obscenity to social realities has always failed to be persuasive before the courts of the United States” and such adjustments fail to be persuasive to the State of West Virginia; and

Whereas, While Secular Humanism is a protected religion pursuant to the First Amendment Free Exercise Clause, it is a disfavored religion insofar that it often involves obscene speech that erodes contemporary community standards of decency, desensitize, divides, dehumanize, depersonalize, and has been shown to increase suicide rates; and

Whereas, In the wake of the government’s endorsement of LGBTQ ideology following the decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013), it is evident that people who are “intolerant” of “intolerant people” are “intolerant”, people who are “judgmental” against “judgmental people” are “judgmental”, and people who are “dogmatic” about not “being dogmatic” are “dogmatic”; and

Whereas, When a person gets legally married, they are entitled to a constellation of benefits that flow out of the state’s general fund at the expense of the taxpayers; and

Whereas, There are taxpayers in every voting district who believe that homosexuality, zoophilia, polygamy, transgenderism, and other nonsecular self-asserted sex-based identity narratives and sexual orientation ideology and the practices associated with them are immoral, and those taxpayers believe that to enable acts of immorality is itself an act of immorality, and therefore, this state must be prohibited from appropriating any public funds that promote, condone, endorse, or advance nonsecular sex-based identity narratives or sexual orientation ideology because such state action coercively causes those taxpayers to violate their own conscience by the simple act of paying taxes, making such governmental action an evil that the Establishment Clause of the First Amendment of the United States Constitution was designed to prohibit; and

Whereas, The state has a compelling interest and duty owed pursuant to Article VI to zealously defend the integrity of the Fourteenth Amendment and to prevent it from being hijacked to accomplish non-secular agendas by the Federal judicial branch; and

Whereas, The aim of the LGBTQ Secular Humanist church's push to entangle the government with their religious beliefs is "dominance," not "tolerance," and the objection to this unconstitutional entanglement is based on "secular biology", not "malicious bigotry", and a desire to restore the rule of law and the Supremacy of the United States Constitution for the welfare of our Constitutional Republic; and

Whereas, The State of West Virginia has a compelling interest to untwist intellectual dishonesty perpetrated by the judicial branch and a duty to defend the integrity of the First Amendment and the Fourteenth Amendment of the United States Constitution by enacting the Establishment Act to ultimately overrule the *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and by showing that the Obergefell decision was itself a nonsecular sham for purposes of prong I of Lemon because if marriage really was an "existing right/individual right" (according to the Supreme Court in *Loving v. Virginia*, 388 U.S. 1, 12 (1967)) and a "fundamental right" (according to the Supreme Court in *Zablocki v. Redhail*, 434 U.S. 374, 384 (1978)) based on a "personal choice" (according to the Supreme Court in *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632, 639-40 (1974)) for self-identified homosexuals pursuant to the Fourteenth Amendment's Equal Protection and Substantive Due Process Clauses as the Supreme Court pretended in Obergefell, then marriage must be an existing right, individual right and fundamental right based on the personal choice for self-identified polygamists, zoophiles and objectophiles based on the Fourteenth Amendment's Equal Protection and Substantive Due Process Clauses under the Obergefell holding as well, but since that is not true, then the entire effort to have the government endorse nonsecular of LGBTQ Secular Humanist ideology is a nonsecular sham that has at all times been in perpetual violation of the Establishment Clause; and

Whereas, The Supreme Court resolved in *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273 (1976) that there is no such thing as a partial civil rights movement, when it found that even nonobvious components of a suspect class are entitled to civil rights under the Fourteenth Amendment; and

Whereas, If sexual orientation really was a suspect class for the purpose of the Fourteen Amendment, then all individuals in the nonobvious suspect classes would be entitled to civil rights, but they are not because sexual orientation is an unproven religious doctrine that is inseparably linked to the religion of Secular Humanism and its recognition by government is nothing more than a nonsecular sham that divides us; and

Whereas, The seven to two decision reached by the Supreme Court in *Masterpiece Cakeshop*, 138 S.Ct. 1719 (2018), following *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) decision unequivocally demonstrates that self-identified homosexuals or transgenders are not a people group for the purposes of the Fourteenth Amendment, like people of color are, which means that the Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) were merely tampering with the Fourteenth Amendment in a manner that undermines the sovereignty of the United States Constitution, which obligates this state to cure an overt constitutional crisis by enacting the Establishment Act to restore constitutional order to prevent a religious/cultural civil war; and

Whereas, This state has a compelling interest and duty to defend the race-based civil rights movement that was proven to be predicated on the Fourteenth Amendment based on the reasonable observer standard, whereas it has not been proven that the plight of self-identified homosexuals was based on genetics or immutability, which means that for any state actor to equate those two plights as if they are equal has engaged in an act of racial animus in kind that manages to be racially, sexually and emotionally exploitative and intellectually dishonest; and

Whereas, There are no ex-blacks, but there are thousands of ex-gays, who abandoned nonsecular self-asserted sex-based identity

narratives and adopted one that accords with self-evident, secular, biological design; and

Whereas, People of color at one point in this country had to ride on the back of the bus, walk to school, and drink from inferior water fountains for reasons that were predicated on immutable traits, and for any state actor to equate the race-based civil rights plight to the plight of self-identified homosexuals in order to get around the Establishment Clause has engaged in a per se act of racial animus that is deeply offensive to many people of color in the State of West Virginia; and

Whereas, Nonsecular marriages have never been a part of American tradition and heritage and have nothing to do with the Substantive Due Process Clause of the Fourteenth Amendment; and

Whereas, The state is prohibited under the First Amendment Establishment Clause and Article III Section 15 of the West Virginia Constitution from recognizing homosexuals, but it does recognize the Free Exercise Clause of the First Amendment and Article III Section 15 of the West Virginia Constitution right for an individual to self-identify as a homosexual, polygamist, zoophile, objectophile, etc.; and

Whereas, Because the United States Supreme Court found in *Cantwell v. Connecticut*, 310 U.S. 296 (1940) that Free Exercise Clause of the First Amendment applies to the states through the Fourteenth Amendment, any person within this state's jurisdiction can freely form any self-asserted sex-based identity narrative with impunity as permitted by the Free Exercise Clause of the First Amendment no matter how perceptively morally repugnant or offensive, and they can live in accordance with those beliefs as long as the practices do not violate existing state or federal laws because the freedom of religion is not absolute; and

Whereas, In view of the Free Exercise Clause of the First Amendment, this state does not object to the decision in *Lawrence v. Texas*, 539 U.S. 558 (2003) which overruled *Bowers v. Hardwick*, 478 U.S. 186 (1986), which was a decision that had the

effect of overruling state policies that made it illegal for two consenting adults of the same sex to privately engage in sexual acts; and

Whereas, The state government is not a church nor is it a redeemer, and the government is barred from allowing devout Secular Humanist to enshrine their ideology through state action in the hopes that it will make them feel less ashamed and inadequate about engaging in faith-based practices that naturally cultivate feelings of shame and inadequacy for going against the way that we are and the way that things are from the reasonable observer standpoint; and

Whereas, The Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) was correct in finding that the United States Constitution is not silent as to how the states must legally define marriage - the Establishment Clause of the First Amendment only allows the state to legally recognize marriage between a man and a woman because it is the only secular form; and

Whereas, Civilizations for millennia have defined marriage as a union between a man and a woman, making it the only form of secular marriage that the government is allowed to legally recognize and respect; and

Whereas, Marriage between a man and a woman arose out of the nature of things, and marriage between a man and a woman is natural, neutral, and noncontroversial, unlike non-secular marriages that do not involve a man and a woman and are deeply controversial and divisive; and

Whereas, Marriages policies that endorse marriage between a man and a woman are secular in nature for purposes of the Establishment Clause insofar as the policies accomplish their purpose, fulfill a compelling state interest, are predicated on self-evident truth, and do not put religion over nonreligion in their making and in their enforcement, unlike nonsecular marriage policies; and

Whereas, The United States Supreme Court in *Church of the Holy Trinity v. United States*, 143 U.S. 457 (1892) was not necessarily correct in declaring that “America is a Christian Nation” and the United States Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) was not correct in implying that America is a Secular Humanist Nation, when it enshrined the modern cultural mindset by declaring that “at the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe”; and

Whereas, The State of West Virginia is at best part of an unofficial Christian Nation insofar as the laws of the United States must be predicated on self-evident, neutral, natural, morality, which only happens to parallel the doctrine of some institutionalized religions, like Christianity, by coincidence in the same way that parts of the United States Constitution and the Bill of Rights do, yet there will never be a mandate that requires citizens to accept Christianity, Secular Humanism, or any other religion by this state because the Establishment Clause prohibits such mandates and the Free Exercise Clause permits individuals the fundamental right to worship what they want without government interference; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature recognizes that Secular Humanism is a religion for the purpose of the Establishment Clause of the First Amendment of the United States Constitution and Article III Section 15 of the West Virginia Constitution and that it is a religion that has limited protections under the Free Exercise Clause of the First Amendment of the United States Constitution and Article III Section 15 of the West Virginia Constitution because it tends to erode community standards of decency, promote licentiousness, and attempt to justify practices that are inconsistent with the peace and safety of the state; and

Further Resolved, Pursuant to the First Amendment Establishment Clause of the United States Constitution, Article III Section 15 of the West Virginia Constitution, and the state’s compelling interest to uphold contemporary community standards

of decency, an agent of the state shall not directly or symbolically create or enforce policies that respect or recognize non-secular self-asserted sex-based identity narratives or sexual orientation orthodoxy, which means that agent of the state shall not:

(1) Issue or recognize a marriage license that does not involve a secular marriage.

(2) Appropriate, distribute, or award public funds in a manner that directly or indirectly respects, promotes or endorses the plausibility of nonsecular self-asserted sex-based identity narratives, sexual orientation orthodoxy, or nonsecular marriage ideology;

(3) Appropriate, distribute or award a grant of public funds to cover the cost of sex reassignment surgery.

(4) Prohibit or unduly restrict conversion therapy;

(5) Display a flag that promotes nonsecular self-asserted sex-based identity narratives or sexual orientation orthodoxy in a manner that would be unconstitutional for the same state actor to display a flag that respects or promotes the edicts of an institutionalized religion;

(6) Promote the use of puberty blockers, especially to minors;

(7) Permit a person who was born as a biological male to change their gender to female on their birth certificate, driver's license, or any other official government form;

(8) Permit a person who was born as a biological female to change their gender to male on their birth certificate, driver's license, or any other official government form;

(9) Assign or house an inmate who was born as a biological male in a ward or cell designated for inmates who were born as biological females;

(10) Assign or house an inmate who was born as a biological female in a ward or cell designated for inmates who were born as biological males; or

(11) Mandate pronoun changes in an effort to show respect to sexual orientation orthodoxy; and, be it

Further Resolved, That pursuant to the First Amendment Establishment Clause of the United States Constitution, Article III Section 15 of the West Virginia Constitution, and the state's compelling interest to discourage licentiousness, under the heightened standard to protect children from state-sponsored indoctrination, a public school and its agent shall not create or enforce policies that respect or recognize nonsecular self-asserted sex-based identity narratives or sexual orientation orthodoxy, which means that a public school and its agent shall not:

(1) Expose students to curriculum concerning nonsecular self-asserted sex-based identity ideology or sexual orientation orthodoxy unless the programming is part of a sex-education program and only after a student's parents have:

(A) Intentionally opted their child into participating in the programming in writing;

(B) Received a warning from the school or department of education that the messaging could expose their child to licentiousness and one particular religious worldview;

(2) Permit a student was born as a biological male to participate in sports designated for biological females;

(3) Permit a student was born as a biological female to participate in sports designated for biological females;

(4) Permit a person who was born as a biological male to enter or use a locker room or restroom designated for biological females;

(5) Permit a person who was born as a biological female to enter or use a locker room or restroom designated for biological males;

(6) Mandate pronoun changes in an effort to show respect to doctrines of Secular Humanism; or

(7) Host or sponsor Drag Queen Story Time for children or similar programming; and, be it

Further Resolved, That pursuant to the First Amendment Establishment Clause of the United States Constitution, Article III Section 15 of the West Virginia Constitution, and the state's compelling interest to discourage licentiousness, under the heightened standard to protect children from state-sponsored indoctrination, a public library and its agents shall not host, sponsor, promote or condone Drag Queen Storytime for children or similar programming; and, be it

Further Resolved, Policies that respect and endorse a secular marriage between a man and a woman shall continue to be enforced, recognized and respected and agents of the state shall only issue and recognize secular marriage licenses because of the policies:

- (1) Are natural, neutral, noncontroversial and secular in nature;
- (2) Fulfill their actual purpose;
- (3) Fulfill a narrowly tailored compelling state interest by upholding community standards of decency; and
- (4) Do not:
 - (A) Violate the United States Constitution or the Constitution of the State of West Virginia;
 - (B) Fail the Lemon Test;
 - (C) Promote licentiousness;
 - (D) Attempt to justify practices that are inconsistent with the peace or safety of the state;
 - (E) Put religion over nonreligion; or

(F) Constitute a nonsecular sham, calculated ploy, power grab, or political power play.

Further Resolved, That the Clerk of the House of Delegates shall forward a copy of this resolution to the Governor and the United States Congress.

Delegates Howell, C. Martin, Hott, Hamrick, Cadle, Sypolt, Wilson, Swartzmiller, Hansen, J. Jeffries and Worrell offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 96 - “Requesting the Joint Committee on Government and Finance study the hiring exemptions of the West Virginia State Tax Department and the West Virginia Division of Highways—Department of Transportation.”

Whereas, The State Tax Department and the Division of Highways are exempt from the rules and hiring procedures of the West Virginia Division of Personnel; and

Whereas, It is time to review the timelines for hiring for the Tax Department and Division of Highways to determine how they compare with the standard personnel timelines of the Division of Personnel, whether it makes sense to continue these hiring exemptions, whether the rules are substantially the same for the Tax Department and Division of Highways as those of the Division of Personnel, and if they differ substantially from those of the Division of Personnel; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the hiring exemptions of the West Virginia State Tax Department and the West Virginia Division of Highways—Department of Transportation; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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.

And,

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 97 - "Designating February 3 as Freedom Day to memorialize the February 3, 1865, Act by the Legislature that abolished slavery in West Virginia."

Whereas, In the State Constitutional Convention of 1862-1863, the Rev. Mr. Gordon Battelle of Ohio County introduced resolutions that banned enslaved persons from entering the state and provided for the gradual and equitable removal of slavery from the state on a future Fourth of July. Despite Battelle's and a few delegates' best efforts to secure approval of the proposal, the convention gagged any committee or convention action. Some delegates simply opposed freeing enslaved persons, and others feared what effect adoption might have on congressional passage of a statehood bill. Four border slavery states might oppose the statehood bill with emancipation provisions. The convention ducked the issue by only prohibiting additional enslaved persons and free persons of color from permanent residence in the state; and

Whereas, When the West Virginia Bill was introduced into the U.S. Senate and House of Representatives, statehood supporters soon discovered that passage was improbable without adequate provisions affecting slavery. Eventually Senator Waitman Thomas Willey of Morgantown introduced an amendment written by Rep. William G. Brown of Kingwood that children born of enslaved persons after July 4, 1863, would be free and no enslaved person

shall be permitted to come into the state for permanent residence. Senator James Henry Lane of Kansas successfully amended the Willey proposal to provide a more comprehensive emancipation. Enslaved children under 10 years of age on July 4, 1863 would become free at 21, and those over 10 and under 21 on the same date would become free at age 25. The Brown/Lane/Willey Amendment became part of the final West Virginia bill signed by President Abraham Lincoln subject to its adoption by a reconvened constitutional convention. The convention adopted the Brown/Lane/Willey Amendment in February 1863, and voters ratified the amended Constitution in March; and

Whereas, West Virginia entered the federal union as a slavery state. It had a slavery code adapted from the Virginia model governing chattels. No enslaved person born previously to July 4, 1863, could be free until 1867. Enslaved persons over 21 on the operable date remained enslaved persons. Without subsequent action, the Mountain State might have had slavery until World War I; and

Whereas, Before final enactment of the statehood bill in December 1862, President Abraham Lincoln and his administration developed a policy to deal with slavery in rebellious states and areas. On Sept. 22, 1862, after the battle of Antietam, he issued a preliminary Emancipation Proclamation that promised that the enslaved persons would be freed in the rebellious states when conquered if the areas continued their insurrection. The proclamation excepted the 48 counties of West Virginia and Berkeley County from its provisions. Therefore, the final Emancipation Proclamation issued January 1, 1863, applied in West Virginia only to Jefferson County, which had more enslaved persons than any other county; and

Whereas, During the war, individual African Americans in West Virginia possessed agency outside of legislative halls and executive offices. Considerable numbers of enslaved persons emancipated themselves by fleeing from their owners, often to neighboring free states such as Pennsylvania and Ohio, and some enlisted in the Union Army; and

Whereas, As the Union Army seized more and more Confederate territory and applied the promise of the Emancipation Proclamation, President Lincoln, Secretary of State William Henry Seward, and many Republican congressional leaders perceived the inconsistency of enslaved persons becoming free in the South while the institution continued in the loyal Border States and the loyal areas excepted from the operation of the Emancipation Proclamation. They proposed the Thirteenth Amendment to the U.S. Constitution that prohibited slavery and involuntary servitude in the U. S. and in anyplace subject to its jurisdiction; and

Whereas, Informed West Virginians could anticipate what the future held for slavery when the U.S. Senate passed the amendment in April 1864. The proposal failed to secure the necessary two-thirds majority for passage in the House in June. Proponents continued to push congressmen for support of the measure until it passed on January 31, 1865. The next day, slightly more than two months before the rebel surrender at Appomattox, President Lincoln signed the joint resolution submitting the amendment to the states for ratification; and

Whereas, The Third West Virginia Legislature was prepared to act to free enslaved persons. On January 23, 1865, it had instructed the state's senators and representatives to favor the amendment to abolish slavery. It also appointed a joint legislative committee to inquire into the expediency and constitutionality of immediately abolishing state slavery and to report an appropriate bill or otherwise; and

Whereas, Three days after presidential submission, the Legislature adopted the appropriate resolution ratifying the Thirteenth Amendment. On the same day, the body abolished slavery immediately in the state. The majestic words were: "All persons held to service for labor as enslaved persons in this state, are hereby declared free" and "There shall hereafter be neither slavery nor involuntary servitude in this State" except as punishment for a crime; and

Whereas, During the momentous events of a devastating civil war, West Virginia had established itself in 1863 and became a free

state before national ratification of the Thirteenth Amendment on December 18, 1865. Because of Emancipation Day, February 3, 1865, for Mountain State whites and African Americans there was no return to a society that existed in 1861; and

Whereas, Americans of all colors, creeds, cultures, religions, and countries-of-origin share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions. There are memorials to freedom and independence observed in America annually that culminates with the 4th of July. “Until All are Free, None are Free” is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery that existed in West Virginia on February 3, 1865; and

Resolved by the Legislature of West Virginia:

That the Legislature hereby declares February 3 as Freedom Day to memorialize the February 3, 1865 Act by the Legislature that abolished slavery in West Virginia; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the West Virginia Delegation in the United States House of Representatives and the United States Senate, all the members of West Virginia House of Delegates and Senate.

Special Calendar

Third Reading

Delegate Porterfield asked unanimous consent to address the House, which consent was not granted, objection being heard.

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines; 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. 198**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Kessinger, P. Martin, Pack, Paynter and Steele.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 544) passed.

On motion of Delegate Hill, the title of the bill was amended to read as follows:

Com. Sub. for S. B. 544 – “A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to immunizations; authorizing joint rules regulating the administrations of immunizations; requiring those rules to be based on certain standards; permitting a licensee to perform immunizations based on the Center for Disease Control recommend schedule; requiring written parental permission for immunizations of minors; requiring a prescription for immunization of a minor; and requiring that the joint rules permits a licensee to administer immunizations in accordance with the latest definitive treatment guidelines promulgated by the Center for Disease Control guidelines.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Delegate Porterfield asked unanimous consent to address the House, which consent was not granted, objection being heard.

Delegate Porterfield then so moved.

On this question, the yeas and nays were taken (**Roll No. 199**), and there were—yeas 60, nays 37, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks,

Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miller, Pethtel, Pyles, Rodighiero, Rohrbach, Shott, Sponaugle, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Williams and Worrell.

Absent and Not Voting: Azinger, Miley and Staggers.

So, two thirds of the members present and voting not having in the affirmative, the motion was rejected.

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection 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. 200**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 642) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

Com. Sub. for H. B. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; on third reading, coming up in regular order, was read a third time.

Delegates Fast and Linville requested to be excused from voting on Com. Sub. for H. B. 2961 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. 201**), and there were—yeas 85, nays 13,

absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: N. Brown, Hartman, Hicks, Jennings, J. Kelly, McGeehan, Miller, Paynter, Rodighiero, Sponaugle, C. Thompson, R. Thompson and Tomblin.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2961) passed.

On motion of Delegate Fast, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2961 – “A Bill to amend and reenact §16-1-9, and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to covered categories of water supply systems, procedures for determining required installations, and customer rights in response to the commissioner’s authority to require that certain water supply systems connected to a public water supply to be equipped with a backflow prevention assembly.”

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. 4067, Relating to crimes against 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. 202**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fluharty, Rowe, Sponaugle and Tomblin.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4067) 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. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home; 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. 203**), 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: Azinger, Miley and Pushkin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4101) 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. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster; 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. 204**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4123) 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. 4387, Donated Drug Repository 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. 205**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4387) 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. 4546, Relating to tuberculosis testing for school superintendents; 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. 206**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4546) 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. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening; 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. 207**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4581) 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. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation; 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. 208**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, McGeehan, Pack, Paynter and Wilson.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4666) 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. 4670, Relating to the juvenile restorative justice programs; 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. 209**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4670) 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. 4955, Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; on third reading, coming up in regular order, was read a third time.

Delegates Anderson, Barrett, Bibby, Boggs, Butler, Canestraro, Cooper, Dean, Ellington, Espinosa, Fast, Hanna, Hardy, Hartman, Hicks, Hott, Householder, D. Jeffries, J. Jeffries, J. Kelly, Little, Lovejoy, C. Martin, Maynard, Pack, Porterfield, Skaff, Staggers, Steele, Summers, Swartzmiller, Sypolt, C. Thompson, Walker, Westfall, Wilson and Zukoff requested to be excused from voting on H. B. 4955 under the provisions of House Rule 49.

On these requests, 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. 210**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4955) 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. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 12. PROBATION AND PAROLE.

§62-12-13. Powers and duties of board; eligibility for parole; procedure for granting parole.

(a) The Parole Board, whenever it is of the opinion that the best interests of the state and of the inmate will be served, and subject to the limitations provided in this section, shall release any inmate on parole for terms and upon conditions provided by this article.

(b) Any inmate of a state correctional institution is eligible for parole if he or she:

(1) (A) Has served the minimum term of his or her indeterminate sentence or has served one fourth of his or her definite term sentence, as the case may be; or

(B) He or she has applied for and been accepted by the Commissioner of Corrections and Rehabilitation into an accelerated parole program. To be eligible to participate in an accelerated parole program, the commissioner must determine that the inmate:

(i) Does not have a prior criminal conviction for a felony crime of violence against the person, a felony offense involving the use of a firearm, or a felony offense where the victim was a minor child;

(ii) Is not serving a sentence for a crime of violence against the person, or more than one felony for a controlled substance offense for which the inmate is serving a consecutive sentence, a felony offense involving the use of a firearm, or a felony offense where the victim was a minor child; and

(iii) Has successfully completed a rehabilitation treatment program created with the assistance of a standardized risk and needs assessment.

(C) Notwithstanding any provision of this code to the contrary, any inmate who committed, or attempted to commit, a felony with the use, presentment, or brandishing of a firearm is not eligible for parole prior to serving a minimum of three years of his or her sentence or the maximum sentence imposed by the court, whichever is less: *Provided*, That any inmate who committed, or attempted to commit, any violation of §61-2-12 of this code, with the use, presentment, or brandishing of a firearm, is not eligible for parole prior to serving a minimum of five years of his or her sentence or one third of his or her definite term sentence, whichever is greater. Nothing in this paragraph applies to an accessory before the fact or a principal in the second degree who has been convicted as if he or she were a principal in the first degree if, in the commission of or in the attempted commission of the felony, only the principal in the first degree used, presented, or brandished a firearm. An inmate is not ineligible for parole under the provisions of this paragraph because of the commission or attempted commission of a felony with the use, presentment, or brandishing of a firearm unless that fact is clearly stated and included in the

indictment or presentment by which the person was charged and was either: (i) Found guilty by the court at the time of trial upon a plea of guilty or nolo contendere; (ii) found guilty by the jury upon submitting to the jury a special interrogatory for such purpose if the matter was tried before a jury; or (iii) found guilty by the court if the matter was tried by the court without a jury.

(D) The amendments to this subsection adopted in the year 1981:

(i) Apply to all applicable offenses occurring on or after August 1 of that year;

(ii) Apply with respect to the contents of any indictment or presentment returned on or after August 1 of that year irrespective of when the offense occurred;

(iii) Apply with respect to the submission of a special interrogatory to the jury and the finding to be made thereon in any case submitted to the jury on or after August 1 of that year or to the requisite findings of the court upon a plea of guilty or in any case tried without a jury: *Provided*, That the state gives notice in writing of its intent to seek such finding by the jury or court, as the case may be. The notice shall state with particularity the grounds upon which the finding will be sought as fully as the grounds are otherwise required to be stated in an indictment, unless the grounds upon which the finding will be sought are alleged in the indictment or presentment upon which the matter is being tried;

(iv) Does not apply with respect to cases not affected by the amendments and in those cases the prior provisions of this section apply and are construed without reference to the amendments; and

(v) Insofar as the amendments relate to mandatory sentences restricting the eligibility for parole, all matters requiring a mandatory sentence shall be proved beyond a reasonable doubt in all cases tried by the jury or the court.

(E) As used in this section, 'felony crime of violence against the person' means felony offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

(F) As used in this section, 'felony offense where the victim was a minor child' means any felony crime of violence against the person and any felony violation set forth in §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

(G) For the purpose of this section, the term 'firearm' means any instrument which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, gunpowder, or any other similar means;

(2) Is not in punitive segregation or administrative segregation as a result of disciplinary action;

(3) Has prepared and submitted to the Parole Board a written parole release plan setting forth proposed plans for his or her place of residence, employment and, if appropriate, his or her plans regarding education and post-release counseling and treatment which has been approved by the Division of Corrections and Rehabilitation: *Provided*, That an inmate's application for parole may be considered by the board without the prior submission of a home plan, but the inmate shall have a home plan approved by the ~~board~~ division prior to his or her release on parole. The Commissioner of the Division of Corrections and Rehabilitation, or his or her designee, shall review and investigate the plan and provide ~~recommendations~~ findings to the board as to the suitability of the plan: *Provided, however*, That in cases in which there is a mandatory 30-day notification period required prior to the release of the inmate, pursuant to §62-12-23 of this code, the board may conduct an initial interview and deny parole without requiring the development of a plan. In the event the board believes parole should be granted, it may defer a final decision pending completion of an investigation and receipt of ~~recommendations~~ the commissioner's findings. Upon receipt of the plan, together with the investigation and ~~recommendation~~ findings, the board, through a panel, shall make a final decision regarding the granting or denial of parole; and

(4) Has satisfied the board that if released on parole he or she will not constitute a danger to the community.

(c) Except in the case of an inmate serving a life sentence, a person who has been previously twice convicted of a felony may not be released on parole until he or she has served the minimum term provided by law for the crime for which he or she was convicted. An inmate sentenced for life may not be paroled until he or she has served 10 years, and an inmate sentenced for life who has been previously twice convicted of a felony may not be paroled until he or she has served 15 years: *Provided*, That an inmate convicted of first degree murder for an offense committed on or after June 10, 1994, is not eligible for parole until he or she has served 15 years.

(d) In the case of an inmate sentenced to a state correctional facility regardless of the inmate's place of detention or incarceration, the Parole Board, as soon as that inmate becomes eligible, shall consider the advisability of his or her release on parole.

(e) If, upon consideration, parole is denied, the board shall promptly notify the inmate of the denial. The board shall, at the time of denial, notify the inmate of the month and year he or she may apply for reconsideration and review. The board shall at least once a year reconsider and review the case of every inmate who was denied parole and who is still eligible: *Provided*, That the board may reconsider and review parole eligibility any time within three years following the denial of parole of an inmate serving a life sentence with the possibility of parole.

(f) Any inmate in the custody of the commissioner for service of a sentence who reaches parole eligibility is entitled to a timely parole hearing without regard to the location in which he or she is housed.

(g) The board shall, with the approval of the Governor, adopt rules governing the procedure in the granting of parole. No provision of this article and none of the rules adopted under this article are intended or may be construed to contravene, limit, or otherwise interfere with or affect the authority of the Governor to grant pardons and reprieves, commute sentences, remit fines, or

otherwise exercise his or her constitutional powers of executive clemency.

(h) (1) The Division of Corrections and Rehabilitation shall promulgate policies and procedures for developing a rehabilitation treatment plan created with the assistance of a standardized risk and needs assessment. The policies and procedures shall provide for, at a minimum, screening and selecting inmates for rehabilitation treatment and development, using standardized risk and needs assessment and substance abuse assessment tools, and prioritizing the use of residential substance abuse treatment resources based on the results of the standardized risk and needs assessment and a substance abuse assessment. The results of all standardized risk and needs assessments and substance abuse assessments are confidential.

(2) An inmate shall not be paroled under paragraph (B), subdivision (1), subsection (b) of this section solely due to having successfully completed a rehabilitation treatment plan, but completion of all the requirements of a rehabilitation treatment plan along with compliance with the requirements of subsection (b) of this section creates a rebuttable presumption that parole is appropriate. The presumption created by this subdivision may be rebutted by a Parole Board finding that, according to the standardized risk and needs assessment, at the time parole release is sought the inmate still constitutes a reasonable risk to the safety or property of other persons if released. Nothing in subsection (b) of this section or in this subsection may be construed to create a right to parole.

(i) Notwithstanding the provisions of subsection (b) of this section, the Parole Board may grant or deny parole to an inmate against whom a detainer is lodged by a jurisdiction other than West Virginia for service of a sentence of incarceration, upon a written request for parole from the inmate. A denial of parole under this subsection precludes consideration for parole for a period of one year or until the provisions of subsection (b) of this section are applicable.

(j) If an inmate is otherwise eligible for parole pursuant to subsection (b) of this section, and has completed the rehabilitation treatment program required under subdivision (1), subsection (h) of this section, the Parole Board may not require the inmate to participate in an additional program, but may determine that the inmate must complete an assigned task or tasks prior to actual release on parole. The board may grant parole contingently, effective upon successful completion of the assigned task or tasks, without the need for a further hearing.

(k) (1) The Division of Corrections and Rehabilitation shall supervise all probationers and parolees whose supervision may have been undertaken by this state by reason of any interstate compact entered into pursuant to the Uniform Act for Out-of-State Parolee Supervision.

(2) The Division of Corrections and Rehabilitation shall provide supervision, treatment/recovery, and support services for all persons released to mandatory supervision under ~~section twenty seven, article five, chapter twenty eight~~ §15A-4-17 of this code.

(l) (1) When considering an inmate of a state correctional facility for release on parole, the Parole Board panel considering the parole shall have before it an authentic copy of, or report on, the inmate's current criminal record as provided through the West Virginia State Police, the United States Department of Justice, or any other reliable criminal information sources and written reports of the ~~warden or~~ superintendent of the state correctional institution to which the inmate is sentenced:

(A) On the inmate's conduct record while in custody, including a detailed statement showing any and all infractions of disciplinary rules by the inmate and the nature and extent of discipline administered for the infractions;

(B) On the inmate's industrial record while in custody which shall include: The nature of his or her work, occupation or education, the average number of hours per day he or she has been employed or in class while in custody and a recommendation as to

the nature and kinds of employment which he or she is best fitted to perform and in which the inmate is most likely to succeed when he or she leaves the state correctional institution; and

(C) On any physical, mental, psychological, or psychiatric examinations of the inmate.

(2) The Parole Board panel considering the parole may waive the requirement of any report when not available or not applicable as to any inmate considered for parole but, in every case, shall enter in its record its reason for the waiver: *Provided*, That in the case of an inmate who is incarcerated because the inmate has been found guilty of, or has pleaded guilty to, a felony under the provisions of §61-8-12 of this code or under the provisions of §61-8B-1 *et seq.* or §61-8C-1 *et seq.* of this code, the Parole Board panel may not waive the report required by this subsection. The report shall include a study and diagnosis of the inmate, including an on-going treatment plan requiring active participation in sexual abuse counseling at an approved mental health facility or through some other approved program: *Provided, however*, That nothing disclosed by the inmate during the study or diagnosis may be made available to any law-enforcement agency, or other party without that inmate's consent, or admissible in any court of this state, unless the information disclosed indicates the intention or plans of the parolee to do harm to any person, animal, institution, or to property. Progress reports of outpatient treatment are to be made at least every six months to the parole officer supervising the parolee. In addition, in such cases, the Parole Board shall inform the prosecuting attorney of the county in which the person was convicted of the parole hearing and shall request that the prosecuting attorney inform the Parole Board of the circumstances surrounding a conviction or plea of guilty, plea bargaining, and other background information that might be useful in its deliberations.

(m) Before releasing any inmate on parole, the Parole Board shall arrange for the inmate to appear in person before a Parole Board panel and the panel may examine and interrogate him or her on any matters pertaining to his or her parole, including reports before the Parole Board made pursuant to the provisions of this

section: *Provided*, That an inmate may appear by video teleconference if the members of the Parole Board panel conducting the examination are able to contemporaneously see the inmate and hear all of his or her remarks and if the inmate is able to contemporaneously see each of the members of the panel conducting the examination and hear all of the members' remarks: *Provided, however*, That the requirement that an inmate personally appear may be waived where a physician authorized to do so by the Commissioner of the Division of Corrections and Rehabilitation certifies that the inmate, due to a medical condition or disease, is too debilitated, either physically or cognitively, to appear. The panel shall reach its own written conclusions as to the desirability of releasing the inmate on parole and the majority of the panel considering the release must concur in the decision. The ~~warden~~ or superintendent shall furnish all necessary assistance and cooperate to the fullest extent with the Parole Board. All information, records, and reports received by the Parole Board shall be kept on permanent file.

(n) The Parole Board and its designated agents are at all times to have access to inmates imprisoned in any state correctional facility or in any jail in this state and may obtain any information or aid necessary to the performance of its duties from other departments and agencies of the state or from any political subdivision of the state.

(o) The Parole Board shall, if requested by the Governor, investigate and consider all applications for pardon, reprieve, or commutation and shall make recommendation on the applications to the Governor.

(p) Prior to making a recommendation for pardon, reprieve or commutation, the board shall notify the sentencing judge and prosecuting attorney at least ten days before the recommendation.

(q) A parolee shall participate as a condition of parole in the litter control program of the county to which he or she is released to the extent directed by the Parole Board, unless the board specifically finds that this alternative service would be inappropriate.

§62-12-13c. Authority of commissioner to establish a nonviolent offense parole program.

(a) The commissioner is authorized to establish a nonviolent offense parole program for any inmate of a state correctional facility in which an inmate may be paroled without action of the Parole Board based upon objective standards as set forth in this section, to commence on July 1, 2021.

(b) Notwithstanding any provision of this code to the contrary, any inmate of a state correctional facility is eligible for parole under the nonviolent offense parole program if:

(1) He or she has served at least the minimum term of his or her sentence and is eligible for parole as determined by the parole board; and

(2) He or she qualifies for the nonviolent offense parole program as authorized by this section.

(c) To qualify for the nonviolent offense parole program, the commissioner must determine that the inmate:

(1) Is not serving a sentence for a crime of violence against the person, crime of violence against an animal, or felony for a controlled substance offense which involves actual or threatened violence to a person, a felony offense involving the use of a firearm, or a felony offense where the victim was a minor child;

(2) Has successfully completed an individualized rehabilitation treatment program as determined by the division; and

(3) Has otherwise satisfied the requirements for parole eligibility set forth in §62-12-13 of this code.

(d) Any person released under the nonviolent offense parole program shall be subject to all conditions of release and sanctions for violations applicable to persons released on parole by the Parole Board, and all parole revocations of persons granted parole pursuant to this section shall be heard in accordance with the provisions of §62-12-19 of this code.

(e) The nonviolent offense parole program authorized by subsection (a) of this section requires no action by the Parole Board as to the release decision if the inmate qualifies for the program and has successfully completed his or her rehabilitation treatment program as determined by the commissioner.

(f) The commissioner shall develop a policy directive setting forth the processes and procedures to determine successful completion of the rehabilitation treatment program and to provide notice to the inmate. If the inmate fails to successfully complete his or her rehabilitation treatment program, his or her parole shall be determined in accordance with the provisions of §62-12-13 of this code. An inmate who has been denied parole pursuant to the provisions of §62-12-13 of this code and who thereafter successfully completes his or her rehabilitation treatment program prior to his or her next parole review shall be eligible for release under the nonviolent offense parole program within a reasonable time after he or she may successfully complete such program as determined by the commissioner, provided the inmate remains qualified for release under the nonviolent offense parole program.”

The bill was then ordered to third reading.

Com. Sub. for H. B. 2775, Requiring each high school student to complete a full credit course of study in personal finance; 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. 4092, Relating to foster care; on second reading, coming up in regular order, was read a second time.

Delegates Nelson and Pack moved to amend the bill, as follows:

On page twenty-five, section one hundred twenty-eight, line thirty-eight, by inserting a new subsection (f) to read as follows:

“(f) A foster parent or kinship placement may use relative family child care, as defined in §49-1-206, to care for the foster child or kinship placement using the reasonable prudent parent standard.”

Whereupon,

Delegate Nelson asked and obtained unanimous consent that the amendment be reformed, as follows:

On page twenty-six, section one hundred twenty-eight, line thirty-eight, by inserting a new subsection (f) to read as follows:

“(f) A foster parent or kinship placement may use relative family child care, as defined in §49-1-206, to care for the foster child or kinship placement using the reasonable prudent parent standard.”

And, re-lettering the remaining subsections, accordingly.

The question being adoption of the reformed amendment, the same was put and the amendment was adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4165, West Virginia Remembers Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4519, Establishing a summer youth intern pilot program within Department of Commerce; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4620, Redefining definition of “recovery residence”; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4621, West Virginia FinTech Regulatory Sandbox Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Capito, the bill was amended on page eight, section four, line fifty-five, by striking out all of subsection (j) and inserting in lieu thereof the following:

“(j) The Division of Financial Institutions shall require a sandbox participant to post a consumer protection bond with the commissioner as security for potential losses suffered by consumers. The bond amount shall be determined by the commissioner in consultation with the sandbox participant in an amount not less than \$5,000 and shall be commensurate with the risk profile of the innovative product or service. The commissioner may require that a bond be increased or decreased at any time based on risk profile and shall provide the sandbox participant with 30 days prior written notice of such increase or decrease. The commissioner may use bond proceeds to offset losses suffered by consumers as a result of an innovative product or service. The bond shall expire two years after the date of the conclusion of the testing period. The commissioner may accept electronic bonds from any participant.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4633, Expanding county commissions’ ability to dispose of county or district property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4729, Requiring higher education institutions to use previous versions or editions of instructional materials; 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. 2028, Limiting supervision of laying of lines on state rights-of-way,

Com. Sub. for H. B. 2663, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

Com. Sub. for H. B. 4099, Eliminating the permit for shampoo assistants,

H. B. 4450, Relating to instruction permits issued by the Division of Motor Vehicles,

H. B. 4499, Relating to multicounty trail network authorities,

H. B. 4504, Relating to renewal application requirements for individuals with permanent disabilities,

Com. Sub. for H. B. 4537, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

Com. Sub. for H. B. 4543, Relating to insurance coverage for diabetics,

H. B. 4714, Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization,

Com. Sub. for H. B. 4734, Rewriting the article on registered professional nurses,

And,

Com. Sub. for H. B. 4773, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Azinger and Miley.

Delegate Fast asked unanimous consent that the remarks of Delegate Porterfield during Remarks by Members be printed in the

Appendix to the Journal, which consent was not granted, objection being heard.

Delegate Fast then so moved.

On this question, the yeas and nays were demanded, which demand was sustained.

Having been ordered, they were taken (**Roll No. 211**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Cowles, Fluharty and Porterfield.

Absent and Not Voting: Azinger, Byrd, Miley, Sponaugle and Wilson.

So, two thirds of the members present having voted in the affirmative, the motion prevailed.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate Westfall for H. B. 4697
- Delegate Campbell for H. B. 4843
- Delegate Pyles for H. B. 4837

At 1:01 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 18, 2020.

Tuesday, February 18, 2020

FORTY-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 Monday, February 17, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 4, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge,

Com. Sub. for H. C. R. 13, Watts Brothers Memorial Road,

H. C. R. 14, U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge,

Com. Sub. for H. C. R. 17, U. S. Army PFC William E. "Ed" Smith and W. Va. Army Nat. Guard SSG Edward L. "Eddie" Smith Memorial Bridge,

H. C. R. 19, Gold Star Families Highway,

Com. Sub. for H. C. R. 20, U. S. Army PFC James Ray Miller Memorial Bridge,

Com. Sub. for H. C. R. 21, U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge,

Com. Sub. for H. C. R. 32, Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge,

Com. Sub. for H. C. R. 33, U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge,

H. C. R. 34, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

H. C. R. 35, U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge,

H. C. R. 38, U. S. Army PFC Nile C. Ballard Memorial Road,

H. C. R. 39, Coach Kenny Wright Road,

H. C. R. 45, U. S. Army Sgt John Matthew Tully Memorial Bridge,

H. C. R. 52, U. S. Army PFC Paul Eugene Gregg Memorial Bridge,

H. C. R. 53, U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge,

Com. Sub. for H. C. R. 54, PFC Marvin K. "Sonny" Sherman Memorial Bridge,

H. C. R. 55, Pendleton County Veterans Killed in Action Memorial Bridge,

H. C. R. 62, USMC Cpl Guy Maywood Edwards Memorial Bridge,

H. C. R. 65, U. S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge,

And,

H. C. R. 70, U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway,

And reports the same back with the recommendation that they each be adopted.

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. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4363 - "A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; and to amend said code by adding thereto a new article, designated §20-18-1, §20-18-2, §20-18-3, §20-18-4, §20-18-5, §20-18-6, §20-18-7, §20-18-8, §20-18-9, §20-18-10, §20-18-11, §20-18-12, §20-18-13, §20-18-14, §20-18-15, §20-18-16, §20-18-17, §20-18-18, §20-18-19, §20-18-20, §20-18-21, §20-18-22, §20-18-23, §20-18-24, §20-18-25, §20-18-26, §20-18-27, §20-18-28, §20-18-29, §20-18-30, §20-18-31, §20-18-32, §20-18-33, §20-18-34, §20-18-35 and §20-18-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor,"

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. 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state,

And reports the same back with the recommendation that it do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4408, Creating an online database for school principals employment opportunities,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4408 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the State Board of Education to develop and implement an online database for the employment of school principals, other administrators and central office personnel,"

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4843, Relating to public school education assessment of students for dyslexia and dyscalculia,

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. 4843) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4568, Requiring the State Board of Education to provide for the routine education of all professional educators,

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. 4568) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4737, Clarifying student eligibility for state-sponsored financial aid,

And reports the same back with the recommendation that it do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. C. R. 10, Requesting study of current WV laws relating to anti-bullying measures in schools,

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 (S. C. R. 10) was referred to the Committee on Rules.

Delegate Ellington, 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. 623, Allowing noncitizen of US be eligible for teaching certificate,

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. 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase,

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. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2321 - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, all relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; providing that continuing benefits are contingent upon continued treatment; and, requiring the Joint

Committee on Volunteer Fire Departments and Emergency Medical Services to study the implementation of this provision and report to the Legislature with modifications or additions to this section,”

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for H. B. 2321 to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4443, Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities,

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. 4443) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 3098, Allowing the same business owner to brew and sell beer to also distill and sell liquor,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 3098 - “A Bill to amend and reenact §11-16-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-4-2 of said code, all relating to permitting the

issuance of multiple licenses manufacturing alcoholic liquors and nonintoxicating beer; and requiring full payment of all fees,”

And,

H. B. 4820, Relating to inventory of firearms owned by state agencies,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4820 - “A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-5 of said code; to amend said code by adding thereto a new section, designated §5A-3-35a; to amend and reenact §5A-3-47 of said code; to amend and reenact §5B-1-1a of said code; to amend and reenact §5B-2-4 of said code; to amend and reenact §8-22-18a of said code; to amend and reenact §9-2-9a of said code; to amend and reenact §9-5-15 of said code; to amend and reenact §12-3A-3 of said code; to amend and reenact §12-5-7 of said code; to amend and reenact §12-6-4 of said code; to amend and reenact §12-6C-7 of said code; to amend and reenact §15-2D-3 of said code; to amend and reenact §15A-3-14 of said code; to amend and reenact §16-29G-3 of said code; to amend and reenact §17-16A-13 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22C-1-6 of said code; to amend and reenact §23-1-1f of said code; to amend and reenact §23-2C-3 of said code; to amend and reenact §29-12-8 of said code; to amend and reenact §29-18-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §31A-8A-8 of said code; to amend and reenact §33-2-9 of said code; to amend and reenact §33-20E-7 of said code; and to amend and reenact §51-1-17 of said code, all relating to inventory of firearms owned by state agencies; providing for exempted agencies of the requirements of the purchasing division be required to submit to the director an inventory of all firearms owned by the agency; providing that an agency is not exempt from a limited number of sections relating to inventory; providing that agencies exempt from the requirements of the purchasing division be required to comply with certain sections for a limited purpose; providing that all agencies currently

exempt from the requirement of the purchasing division remain exempt from the requirements; and providing for an effective date,”

With the recommendation that the committee substitutes 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. 4645, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4645 - “A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the Chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies,”

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:

Com. Sub. for S. B. 175, Requiring certain agencies maintain website which contains specific information,

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. 175) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 551, Relating to Water and Wastewater Investment and Infrastructure Improvement Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 551) 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. 4452, Modifying the notice requirements for the redemption of delinquent properties,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4452 - “A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-52, and §11A-3-55 of the Code of West Virginia, 1931, as amended, all relating generally to notice requirements on tax collections conducted by the State Auditor,”

H. B. 4474, Relating to peer-to-peer car sharing programs,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4474 - “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, §17A-6F-3a, §17A-6F-3b, §17A-6F-3c, §17A-6F-3d, §17A-6F-3e, §17A-6F-3f, §17A-6F-3g, §17A-6F-4, §17A-6F-5, §17A-6F-6, §17A-6F-7, §17A-6F-8, §17A-6F-9, and §17A-6F-10, all relating to peer-to-peer car sharing programs; defining the scope of this article and providing for other definitions; imposing insurance requirements; providing for certain exclusions from motor vehicle insurance policies; requiring peer-to-peer car sharing programs to obtain a limited lines insurance license for automobile rental coverage; establishing certain consumer protection and record-keeping requirements; establishing requirements for data collection and retention; establishing benchmarks for safety for automobiles used in peer-to-peer car sharing programs; providing for the collection of sales and use tax by a peer-to-peer car sharing program; establishing a shared vehicle tax in lieu of the daily passenger car rental tax and the vehicle cost recovery fee; establishing the authority to regulate peer-to-peer car sharing programs at airports; establishing controlled authority and other requirements for peer-to-peer car sharing programs in this state; and providing for an effective date,”

H. B. 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4522 - “A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the federal Real ID Act and allowing division to accept documents compliant with Real ID Act for proof of identity, residency, and lawful presence,”

H. B. 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4557 - “A Bill to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-3 of said code, all relating to behavioral health centers and group residential facilities; to include the ability to impose civil money penalties against such centers and facilities for good cause; to update obsolete terminology; and requiring legislative rule making,”

And,

H. B. 4634, Southern West Virginia Lake Development Study Commission Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4634 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature,”

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 17, 2020, he approved **Com. Sub. for H. B. 4042, Com. Sub. for H. B. 4091 and Com. Sub. for H. B. 4496.**

Messages from the Senate

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:

Com. Sub. for H. B. 2086, Uniform Real Property Electronic Recording Act.

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 4. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.

§39A-4-1. Short title.

This article may be cited as the Uniform Real Property Electronic Recording Act.

§39A-4-2. Definitions.

In this article:

‘Commissioner’ means the Commissioner of the Division of Highways.

‘Document’ means information that is:

(A) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) Eligible to be recorded in the land records maintained by the clerk of the county commission, herein after ‘county clerk’ or ‘clerk’.

‘Electronic’ means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

‘Electronic document’ means a document that is received by the county clerk in an electronic form.

‘Electronic signature’ means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

‘Person’ means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality or any other legal or commercial entity.

‘State’ means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

§39A-4-3. Validity of electronic documents.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying the requirements of this article.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature on a document that complies with the electronic notarization procedure under §39-4-19 of this code and §153 CSR 45.

§39A-4-4. Recording of documents.

(a) In this section, ‘paper document’ means a document that is received by the county clerk in a form that is not electronic.

(b) A county clerk:

(1) Who implements any of the functions listed in this section shall do so in compliance with standards established by the Real Property Electronic Recording Standards Advisory Committee pursuant to §39A-4-5 of this code;

(2) May receive, index, store, archive, and transmit electronic documents;

(3) May provide for access to, and search and retrieval of, documents and information by electronic means;

(4) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;

(5) May convert paper documents accepted for recording into electronic form;

(6) May convert information recorded before the clerk began to record electronic documents into electronic form;

(7) May accept electronically any fee or tax relating to electronic recording of real property documents that the clerk is authorized to collect; and

(8) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

§39A-4-5. Administration and standards.

(a) For the purpose of keeping the standards and practices of county clerks in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, and to keep the technology used by clerks in this state compatible with technology used by recording offices in other jurisdictions that enact substantially this act, the Secretary of State shall establish the Real Property Electronic Recording Standards Advisory Committee, to, so far as is consistent with the purposes, policies, and provisions of this article, assist in the adoption, amendment, and repeal of standards and practices.

(b) The commissioner shall appoint at least 18 persons to serve on the committee. In selecting persons to serve on the committee, the commissioner shall appoint:

(1) At least one person who is an attorney who specializes in title work;

(2) At least one person who is a specialist in geographic information system (GIS) mapping;

(3) A representative Commissioner of the Division of Highways;

(4) A representative of the County Clerks' Association;

(5) A representative of the County Commissioners' Association;

(6) A representative of the State Auditor;

(7) A representative of the Governor's Office of Technology;

(8) A representative of the Division of Culture and History;

(9) A representative of the Community Bankers of West Virginia;

(10) A representative of the West Virginia Bankers' Association;

(11) A representative of the West Virginia Housing Development Fund;

(12) A representative of the Real Estate Division of the Department of Administration;

(13) A representative of the Property Tax Division of the Department of Tax and Revenue;

(14) A representative of the West Virginia Board of Professional Surveyors;

(15) A representative of the West Virginia Real Estate Commission;

(16) At least one representative representing the mineral extraction industry;

(17) A representative of the West Virginia College of Law with experience in real property law; and

(18) A representative of the Real Estate Lawyers Division of the West Virginia State Bar Association.

(c) In establishing, amending, and repealing standards and practices for the recording of documents in electronic form, storing electronic records, and setting up systems for searching for and retrieving these land records, the committee shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards promulgated by national standard-setting bodies such as the Property Records Industry Association;

(3) The views of interested persons and governmental officials and entities;

(4) The needs of counties of varying size, population, and resources; and

(5) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

(d) The Commissioner of the Division of Highways, or his or her designee, shall serve as chair of the Real Property Electronic Recording Standards Advisory Committee.

(e) The commissioner shall:

(1) Provide administrative support to the committee; and

(2) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that contain the standards to implement this article.

(f) Each person, agency, board and organization on the committee shall cover his or her own expenses necessitated by participation on the committee.

(g) The commissioner shall submit a report to the Joint Committee on Government and Finance on or before January 1 of each year until its tasks are complete. The report shall include its efforts to adopt standards in accordance with the requirements of this article and recommendations for further legislative action necessary to effectuate the purposes of this article.

§39A-4-6. Uniformity of application and construction.

In applying and construing the Uniform Real Property Electronic Recording Act, consideration must be given to the need

to promote uniformity of the law with respect to its subject matter among states that enact it.

§39A-4-7. Relation to electronic signatures in global and national commerce act.

This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. §7001, *et seq.*) but does not modify, limit or supersede §101(c) of that act (15 U.S.C. §7001(c)) or authorize electronic delivery of any of the notices described in §103(b) of that act (15 U.S.C. §7003(b)).”

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. 212**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2086) 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 that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2497, Relating to the whistle-blower law.

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 1. WHISTLE-BLOWER LAW.**§6C-1-3. Discriminatory and retaliatory actions against whistle-blowers prohibited; promotion, increased compensation protected.**

(a) No employer may discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location, or privileges of employment because the employee, acting on his or her own volition, or a person acting on behalf of or under the direction of the employee, makes a good faith report, or is about to report, verbally or in writing, to the employer or appropriate authority, an instance of wrongdoing or waste.

(b) No employer may discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location, or privileges of employment because the employee is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry held by an appropriate authority or in a court action.

(c) No employer may deny a whistle-blower covered by the civil service system, because of his or her status or actions as a whistle-blower, a promotion or other increase in compensation that the whistle-blower otherwise would have received.

§6C-1-4. Civil action by whistle-blower for violation; limitation on actions; burden of proof; defense; use of evidence in civil service proceeding; grievance action available; other rights and actions not limited.

(a) A person who alleges that he or she is a victim of a violation of this article may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within ~~180 days~~ two years after the occurrence of the alleged violation.

(b) An employee alleging a violation of this article must show by a preponderance of the evidence that, prior to the alleged

reprisal, the employee, or a person acting on behalf of or under the direction of the employee, had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.

(c) It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action complained of occurred for separate and legitimate reasons, which are not merely pretexts.

(d) An employee covered by the civil service system who contests a civil service action, believing it to be motivated by ~~his~~ the employee having made a disclosure of information, may submit as admissible evidence any or all material relating to the action as whistle-blower and to the resulting alleged reprisal.

(e) Any employee covered by the civil service system who has suffered a retaliatory action as a result of being a whistle-blower may pursue a grievance under the West Virginia Public Employees Grievance Procedure.

(f) Nothing in this article shall impair or limit any other right or legal action of an employee covered by the civil service system.

§6C-1-7. Limitations on scope of construction; protections related to political activity and membership in organization of employee.

(a) The provisions of this article shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing, or inquiry held by an appropriate authority or impair the rights ~~of any person under a collective bargaining or other labor management agreement~~ of any employee covered by the civil service system to be a member of an organization of employees or to refrain from being a member of an organization of employees.

(b) Except when on duty or acting in an official capacity, and except where otherwise prohibited by state or federal law, no employee covered by the civil service system may be prohibited

from engaging in political activity or be denied the right to refrain from engaging in political activity.”

And,

By amending the title of the bill to read as follows:

Com. Sub. for 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; lengthening the statute of limitations; allowing the use of grievance procedure; protecting use of other right or legal action; protecting rights related to political activity; and protecting rights related to membership in organizations of employees.”

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. 213**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Bibby, Foster, McGeehan, Steele and Waxman.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2497) 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 that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

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 4. OFFENSES AND PENALTIES.

§60A-4-407a. Authorizing additional requirements to obtain a final order of discharge and dismissal for persons charged with possession of controlled substances.

(a) Notwithstanding any provision of this code to the contrary, when a person pleads guilty or is found guilty of a violation of §60A-4-401(c) of this code, or a municipal ordinance containing the same elements where the controlled substance possessed is listed in §60A-2-204 of this code, other than marijuana, or is a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 of this code, the court may, as an additional condition for the entry of a final order of discharge or dismissal under §60A-4-407 of this code or a municipal ordinance containing the same or substantially the same provision, require the defendant to be:

(1) Evaluated for admission into a drug court program; or

(2) Participate in a drug treatment program.

(b) If a defendant is determined to be an appropriate candidate for admission to drug court or a drug treatment program, the court may make successful completion of a drug court or a drug treatment program a requirement for obtaining a final order of discharge and dismissal.”

And,

By amending the title of the bill to read as follows:

H. B. 2922 – “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 to qualify for a final order of discharge and dismissal.”

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. 214**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, Pack, Steele, Waxman and Wilson.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2922) 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 that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4007, Born-Alive Abortion Survivors Protection Act.

Delegate Summers moved that the House concur in the following amendment by the Senate, with further amendment:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2P. BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT.

§16-2P-1. Born-Alive Abortion Survivors Protection Act.

(a) Definitions. — For purposes of this section:

(1) ‘Abortion’ has the same meaning as that set forth in §16-2F-2 of this code.

(2) ‘Attempt to perform an abortion’ has the same meaning as that set forth in §16-2M-2 of this code.

(3) ‘Born alive’ means the complete expulsion or extraction from its mother of the fetus, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(4) ‘Fetus’ has the same meaning as that set forth in §16-2M-2 of this code.

(5) ‘Licensed Medical Professional’ means a person licensed under Chapter 30 of this code practicing within his or her scope of practice.

(6) ‘Physician’ has the same meaning as set forth in §16-2M-2 of this code.

(7) ‘Reasonable medical judgment’ has the same meaning as set forth in §16-2M-2 of this code.

(b) Prohibition. —

(1) If a physician performs or attempts to perform an abortion that results in a fetus being born alive the physician shall:

(A) Exercise the same degree of reasonable medical judgment to preserve the life and health of the child as a physician would render to any other fetus born alive at the same gestational age; and

(B) Ensure that the fetus born alive is immediately transported and admitted to a hospital.

(2) A person who has knowledge of a failure to comply with the requirements of this subsection shall report the failure to the applicable licensing board.

(c) Enforcement. —

(1) Any physician or other licensed medical professional who knowingly and willingly violates subsection (b) of this section is considered to have breached the standard of care owed to patients, and is subject to discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice.

(2) Any person, not subject to subdivision (1) of this subsection, who knowingly and willfully violates subsection (b) of this section is guilty of the unauthorized practice of medicine in violation of §30-3-13 of this code, and, upon conviction thereof, is subject to the penalties contained in that section.

(3) In addition to the penalties set forth in this section, a patient may seek any remedy otherwise available to the patient by applicable law.

(4) No penalty may be assessed against any patient upon whom an abortion is performed or attempted to be performed.”

And,

By amending the title of the bill to read as follows:

H. B. 4007 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to creating the Born-Alive Abortion Survivors Protection Act generally; defining terms requiring medical practitioners to use the same degree of reasonable medical judgment to preserve the life of a fetus which is born alive as would be used in a live non-abortion birth of the same gestational age; making the failure to exercise such judgment a crime; establishing penalties; and making failure to exercise such judgment a violation of medical licensure standards.”

On motion of Delegate Summers, the House concurred in the amendment of the bill by the Senate with the following further amendment:

On page one, section one, line seventeen, by striking out the word “fetus” and inserting the word “child”.

On page two, section one, line twenty, by striking out the word “fetus” and inserting the word “child”.

And,

On page two, section one, line twenty-two, by striking out the word “fetus” and inserting the word “child”.

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. 215**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fleischauer, Hansen, Pyles and Walker.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4007) passed.

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:

Com. Sub. for H. B. 4058, Relating to pharmacy benefit managers.

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 51. PHARMACY AUDIT INTEGRITY ACT.

§33-51-8. Licensure of pharmacy benefit managers.

(a) A person or organization may not establish or operate as a pharmacy benefits manager in the State of West Virginia without first obtaining a license from the Insurance Commissioner pursuant to this section: *Provided*, That a pharmacy benefit manager registered pursuant to ~~§33-5-7~~ §33-51-7 of this code may continue to do business in the state until the Insurance Commissioner has completed the legislative rule as set forth in ~~§33-55-10~~ §33-51-10 of this code: *Provided, however*, That additionally the pharmacy benefit manager shall submit an application within six months of completion of the final rule. The Insurance Commissioner shall make an application form available on its publicly accessible Internet website that includes a request for the following information:

(1) The identity, address, and telephone number of the applicant;

(2) The name, business address, and telephone number of the contact person for the applicant;

(3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the Insurance Commissioner considers necessary and appropriate to establish the qualifications to receive a license as a pharmacy benefit manager to complete the licensure process, as set forth by legislative rule promulgated by the Insurance Commissioner pursuant to ~~§33-51-9(f)~~ §33-51-10 of this code.

(b) *Term and fee.* —

(1) The term of licensure shall be two years from the date of issuance.

(2) The Insurance Commissioner shall determine the amount of the initial application fee and the renewal application fee for the registration. The fee shall be submitted by the applicant with an application for registration. An initial application fee is nonrefundable. A renewal application fee shall be returned if the renewal of the registration is not granted.

(3) The amount of the initial application fees and renewal application fees must be sufficient to fund the Insurance Commissioner's duties in relation to his/her responsibilities under this section, but a single fee may not exceed \$10,000.

(4) Each application for a license, and subsequent renewal for a license, shall be accompanied by evidence of financial responsibility in an amount of \$1 million.

(c) *Licensure.* —

(1) The Insurance Commissioner shall propose legislative rules, in accordance with ~~§33-51-9(f)~~ §33-51-10 of this code, establishing the licensing, fees, application, financial standards, and reporting requirements of pharmacy benefit managers.

(2) Upon receipt of a completed application, evidence of financial responsibility, and fee, the Insurance Commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with the provisions of this section and the rules promulgated by the Insurance Commissioner pursuant to this section. The commissioner may require additional information or submissions from an applicant and may obtain any documents or information reasonably necessary to verify the information contained in the application.

(3) The license may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the license.

(d) *Network adequacy.* —

(1) A pharmacy benefit manager's network shall not be comprised only of mail-order benefits but must have a mix of mail-order benefits and physical stores in this state.

(2) A pharmacy benefit manager shall provide a pharmacy benefit manager's network report describing the pharmacy benefit manager's network and the mix of mail-order to physical stores in this state in a time and manner required by rule issued by the Insurance Commissioner pursuant to this section.

(3) Failure to provide a timely report may result in the suspension or revocation of a pharmacy benefit manager's license by the Insurance Commissioner.

(e) *Enforcement.* —

(1) The Insurance Commissioner shall enforce this section and may examine or audit the books and records of a pharmacy benefit manager providing pharmacy benefits management to determine if the pharmacy benefit manager is in compliance with this section: *Provided*, That any information or data acquired during the examination or audit is considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code.

(2) The Insurance Commissioner ~~may~~ shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code regulating pharmacy benefit managers in a manner consistent with this chapter. Rules adopted pursuant to this section shall set forth penalties or fines, including, without limitation, monetary fines, suspension of licensure, and revocation of licensure for violations of this chapter and the rules adopted pursuant to this section.

(3) A person who violates this provision of this article or the legislative rules implementing its provisions may be fined not less than \$1,000 and not more than \$10,000 per violation.

(f) *Applicability.* —

(1) This section is applicable to any contract or health benefit plan issued, renewed, recredentialed, amended, or extended on or after July 1, 2019.

(2) The requirements of this section, and any rules promulgated by the Insurance Commissioner pursuant to ~~§33-51-9(f)~~ §33-51-10 of this code, do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.

§33-51-10. Commissioner required to propose rules.

The Insurance Commissioner ~~may~~ shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code that are necessary to effectuate the provisions of this article.”

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. 216**), 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: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4058) 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 that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4166, Prohibiting certain sex offenders from being in a supervisory position over children.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, and again passed, a bill of the House of Delegates as follows:

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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:

Com. Sub. for H. B. 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

On motion of Delegate Summers, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

On page one, section one, line eight, after the word “authorized”, by striking out the period and adding the following:

On page four, section four, subsection 4.1.k., by striking out the comma and inserting in lieu thereof a period.

On page four, section four, subsection 4.1.k., by striking out the words “with the following exceptions:”

On page four, section four, by striking out subdivision 4.1.k.1. in its entirety.

And,

By amending the title of the bill to read as follows:

Com. Sub. for H. B. 4275 – “A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.”

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, without amendment, a bill of the House of Delegates, as follows:

H. B. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and changed the effective date, to take effect from passage, of

Com. Sub. for H. B. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 217**), 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: Hartman and Kessinger.

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. 4470) takes effect from its passage.

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 that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases.

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 9B. SEXUAL ASSAULT EXAMINATION NETWORK.

§15-9B-1. Sexual Assault Forensic Examination Commission.

(a) The Sexual Assault Forensic Examination Commission is continued as a subcommittee of the Governor’s Committee on Crime, Delinquency and Correction. The purpose of the commission is to establish, manage, and monitor a statewide system to facilitate the timely and efficient collection, submission, testing, retention, tracking, and disposition of forensic evidence in sexual assault cases. As used in this article, the word ‘commission’ means the Sexual Assault Forensic Examination Commission.

(b) Membership on the commission shall consist of the following:

(1) A representative chosen from the membership of the West Virginia Prosecuting Attorneys Association who shall be chosen by the president of that organization;

(2) A representative chosen from the membership of the West Virginia Association of Counties who shall be chosen by the executive director of that organization;

(3) The Commissioner of the Bureau for Public Health, or his or her designee;

(4) A representative from the State Police Forensic Laboratory who shall be chosen by the Superintendent of the West Virginia State Police;

(5) A representative from the membership of the West Virginia Child Advocacy Network;

(6) The President of the West Virginia Hospital Association, or his or her designee;

(7) A representative from the membership of the West Virginia Foundation for Rape and Information Services who shall be chosen by the state coordinator of that organization;

(8) A representative of the West Virginia University Forensic and Investigative Sciences Program who shall be chosen by the director of that program; and

(9) A representative of the Marshall University Forensic Science Center who shall be chosen by the director of that organization.

(c) If any of the representative organizations listed in subsection (b) of this section cease to exist, the director of the Division of ~~Justice and Community~~ Administrative Services, or his or her designee, may select a person from a similar organization.

(d) The director of the Division of Administrative Services, or his or her designee, shall appoint the following additional members of the commission:

(1) An emergency room physician licensed to practice and practicing medicine in this state;

(2) A victim advocate from a rape crisis center employed in this state;

(3) A sexual assault nurse examiner who is engaged in an active practice within this state;

(4) A law-enforcement officer in this state with experience in sexual assault investigations;

(5) A health care provider with pediatric and child abuse expertise licensed in this state; and

(6) A director of a child advocacy center licensed and operating in this state.

(e) The commission shall establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform forensic examinations, establishing minimum qualifications and procedures for performing forensic examinations, and establishing protocols to assure the proper collection of evidence.

§15-9B-1a Definitions.

As used in this article:

(1) ‘Biological evidence’ includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue, or other identified biological material.

(2) ‘DNA’ means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

(3) ‘Nonreported kit’ means a kit collected from an alleged victim who has consented to the collection of the kit, but has not consented to participation in the criminal justice process.

(4) ‘Sexual assault forensic examination kit’ or ‘kit’ means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials.

(5) ‘Sexual offense’ means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, including, but not limited to, the following sections:

(A) §61-8-12 of this code;

(B) §61-8A-2 of this code;

(C) §61-8A-4 of this code;

(D) §61-8A-5 of this code;

(E) Any offenses listed in §61-8B-1 et seq. of this code;

(F) Any offenses listed in §61-8C-1 et seq. of this code;

(G) Any offenses listed in §61-8D-1 et seq. of this code.

(6) ‘Unfounded’ means evidence developed after reasonable investigation and supported by proper documentation proving no crime occurred or where the alleged victim has recanted.

§15-9B-2. Powers and duties of the commission.

(a) The commission shall facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations. The commission shall work with county and regional officials to identify areas of greatest need, and develop and implement recruitment and retention programs to help facilitate the effective collection of evidence.

(b) The commission shall authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault. The commission may adopt necessary and reasonable requirements relating to establishment of a statewide training and forensic examination system, including, but not limited to, developing a data collection system to monitor adherence to established standards, assisting exam providers to receive training and support services, advocating the fair and reasonable reimbursement to exam providers, and facilitating transportation services for victims to get to and from designated exam locations.

(c) The commission shall approve local plans for each area of the state or a county or regional basis. If the commission determines it necessary, it may add or remove a county or portion of a county from a region to assure that all areas of the state are included in an appropriate local plan. Upon the failure of any county or local region to propose a plan, the commission may implement a plan for that county or region.

(d) Once a plan is approved by the commission, it can only be amended or otherwise altered as provided by the rules authorized

pursuant to subsection (e) of this section. Designated facilities and organizations providing services shall give the commission 30 days' advance notice of their intent to withdraw from the plan. If there is a change of circumstances that would require a change in a county or regional plan, the members of the local board and the state commission shall be notified.

(e) The commission may adopt and modify bylaws, policies, and procedures for the conduct of its meetings and the operation of the committee. The commission may propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, that are necessary to implement this article.

(f) The commission shall elect a chair and a vice chair, and any other officers as it considers necessary. Special meetings may be held upon the call of the chair, vice chair, or a majority of the members of the commission. A majority of the members of the commission present in person, by proxy or designation, or by electronic means constitutes a quorum.

(g) Any member appointed to the commission who is a written, designated representative has the full rights of a member, including the right to vote, serve on subcommittees, or perform any other function.

(h) The commission may make recommendations to the Governor's Committee on Crime, Delinquency and Correction for legislation related to the commission's duties and responsibilities, or for research or studies by the Division of ~~Justice and Community~~ Administrative Services, Justice and Community Services Section on topics related to the commission's duties and responsibilities.

(i) On or before December 1, 2020, the Commission shall develop a written plan to:

(1) Prioritize the testing of kits;

(2) Ensure all kits are tested; and;

(3) Establish a system of tracking kits received which shall be available to victims;

(j) The Commission may suggest additional protocols to the superintendent which it determines might improve the efficacy of testing;

(k) Any reports generated by the Commission shall be submitted to the Joint Committee on Government and Finance.

§15-9B-4. Submission, testing, and retention of sexual assault forensic examination kits.

(a) The Sexual Assault Forensic Examination Commission created by §15-9B-1 of this code shall establish a subgroup of persons with subject matter expertise to establish best-practice protocols for the submission, testing, retention, and disposition of sexual assault forensic examination kits collected by health care providers. The commission shall propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, detailing best-practice protocols. Upon approval of the legislative rules, local sexual assault forensic examination boards shall follow the rules.

(b) Rules promulgated pursuant to subsection(a) of this section shall include:

(1) Time frames for submission of sexual assault forensic examination kits in the possession of law enforcement; and

(2) Protocols for storage of DNA samples and sexual assault forensic examination kits.

(c) The commission may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to implement this section: *Provided*, That no emergency rule may permit the destruction of any DNA evidence.

(d) Upon collection, a sexual assault forensic examination kit shall be submitted for testing by the health care provider to the West Virginia State Police Forensic Laboratory within 30 days of collection or as soon thereafter as practicable. All packaging kits for transmittal and transmittal protocols shall be designed to meet

applicable standards for maintaining the efficacy of the sample and chain of custody.

(e) No sexual assault forensic examination kit need be tested where the alleged victim has not consented to the testing, requests that the kit not be tested, where he or she recants as to the allegation of a sexual offense, or the allegation that a sexual offense occurred is determined to be unfounded. If the alleged victim does not consent to law enforcement involvement, the kit shall be designated a nonreported kit and transmitted to the Marshall University Forensic Science Center.

(f) The Commission shall, in cooperation with the West Virginia State Police, develop protocols for storage of previously tested materials to be made available for secondary testing upon a court order to do so.

(g) Biological evidence obtained through tests of a sexual assault forensic examination kit shall not be destroyed:

(1) During the time period of incarceration of a person whose DNA was identified by the use of the biological evidence, or while the person remains under continued supervision, whichever is later in time; or;

(2) For as long as the offense from which the biological evidence is obtained remains unresolved;

(h) Notwithstanding any provision of this code, or any rule or policy promulgated thereunder, upon completion of the processing and testing set forth in subsection (d) of this section, the sexual assault forensic examination kit shall be transmitted to the appropriate investigating local or state law-enforcement agency which shall retain all identified biological material that is secured in connection with any sexual offense or attempted sexual offense for the periods set forth in subsection (g) of this section.

(i) After processing and testing of a sexual assault forensic examination kit, the West Virginia State Police Laboratory shall transmit the sexual assault forensic examination kit to the appropriate investigating state or local law-enforcement agency

through any reasonable means sufficient to establish the proper chain of custody, including, but not limited to, use of the United States Postal Service or hand delivery by appropriate personnel or a law-enforcement officer. The appropriate investigating state or local law-enforcement agency shall preserve the sexual assault forensic examination kit for the period of time prescribed in subsection (g) of this section in a condition where any biological evidence is suitable for DNA testing. The lack of timely submission, or the inadvertent loss or destruction of a sexual assault forensic examination kit, standing alone, shall not constitute a bar to the prosecution of a sexual offense.

(j) Sexual assault forensic examination kits retained pursuant to this section shall be made available for DNA testing pursuant to §15-2B-7 of this code or pursuant to an appropriate order of a circuit court of competent jurisdiction for secondary testing.

(k) The appropriate investigating state or local law-enforcement agency responsible for retaining the sexual assault forensic examination kit shall obtain approval from the circuit court of competent jurisdiction for the county in which the crime occurred before disposal of any biological evidence. Before the disposal of any sexual assault forensic examination kit, reasonable efforts shall be made to provide written notice to the victim by the prosecuting attorney of the county in which the crime occurred.

(l) Nothing in this section shall be construed as limiting a state or local law-enforcement agency's discretion concerning the conditions under which biological evidence is retained, preserved, or transferred among different entities if the evidence is retained in a condition that is suitable for DNA testing.

§15-9B-5 Offenses; penalty.

Any person who willfully neglects or refuses to do or perform any duty imposed by this article is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$200, or be confined in jail for a period of not more than 60 days, or both fined and confined.”

And,

By amending the title of the bill to read as follows:

H. B. 4476 - “A Bill to amend and reenact §15-9B-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §15-9B-1a and §15-9B-5; and to amend and reenact §15-9B-2 and §15-9B-4 of said code, all relating to providing for the collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community Services to the Division of Administrative Services; defining terms; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; requiring certain kits to be transported to Marshall University Forensic Science Center; establishing protocols for storage, retention, transmission and disposal of kits; notice to victim regarding disposal; establishing misdemeanor penalties; and granting rule-making authority.”

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. 218**), 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: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4476) 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

Com. Sub. for S. B. 265 - “A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund”; 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. 279 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the optional assignment of certain benefits in dental care insurance programs; detailing revocation and reimbursement requirements; and excluding Medicaid, CHIP, and contracts approved by the Department of Health and Human Resources Bureau for Medical Services”; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 306 - “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”; which was referred to the Committee on Technology and Infrastructure then Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect from passage, of

S. B. 310, Updating certain terms used in WV Personal Income Tax Act.

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. 490 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to criminal offenses against agricultural facilities; defining terms; describing prohibited acts; establishing criminal penalties; authorizing double damages for damage caused to agricultural facilities and equipment in the course of willful trespass; and allowing injunctive relief”; 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 concurrence in the House of Delegates amendment, with further title amendment, and the passage, as amended, of

Com. Sub. for S. B. 560, Permitting nursing home use trained individuals administer medication.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment:

Com. Sub. for S. B. 560 - “A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 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, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing requirements for AMAP to administer medication; requiring compliance with legislative rules promulgated by the authorizing agency; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.”

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. 219**), and there were—yeas 70, nays 28, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Byrd, Campbell, Canestraro, Doyle, Evans, Fast, Fleischauer, Fluharty, Hicks, Hornbuckle, D. Jeffries, Lavender-Bowe, Lovejoy, C. Martin, P. Martin, Paynter, Pushkin, Pyles, Rohrbach, Rowe, Staggers, Summers, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 560) 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

Com. Sub. for S. B. 589 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15A-17c, relating to critical needs in state water and sewer systems; creating a Critical Needs/Failing Systems Sub Account; funding the sub account with excess uncommitted loan balances; authorizing loans or grants to address a critical immediate need of water or sewer services; and exempting the sub account from certain grant limitations”; 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, to take effect July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

S. B. 597 - “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 generally to salaries and pensions of magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges”; 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, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 702 - “A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7e, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures”; 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

S. B. 703 - “A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to an increase in the earning limit for employees who accept a separation incentive under this article and subsequently return to employment; and amending or removing obsolete, duplicative, or unnecessary language from state code”; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 706 - “A Bill to amend and reenact §30-29-3 and §30-29-5 of the Code of West Virginia, 1931, as amended, all relating to the duties of the law-enforcement training and certification subcommittee; providing for a minimum of 800 classroom hours for a law-enforcement academy; clarifying that the required classroom hours shall be accumulated on the basis of a full-time curricula; authorizing the law-enforcement training and certification subcommittee to deny an application for the establishment of a new law-enforcement academy if it is determined that no need exists; requiring that a person seeking certification complete the approved law-enforcement training academy within 18 consecutive months of the commencement of employment as a law-enforcement officer; authorizing extensions of such requirement; requiring graduates of state law-enforcement academies successfully complete an entry level law-enforcement examination promulgated by the law-enforcement training and certification subcommittee prior to certification; establishing time frames for completion of training requirements; and making technical corrections”; 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. 712 - “A Bill to amend and reenact §5-2-24c of the Code of West Virginia, 1931, as amended, relating to correcting the name of the Forensic Analysis Laboratory of the Marshall University Forensic Science Center”; 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 746 - “A Bill to amend and reenact §16-4E-6 of the Code of West Virginia, 1931, as amended, relating to providing that contracted managed care companies with the Bureau for Medical Services may be provided data from the uniform maternal screening tool regarding their own covered members; providing that the Bureau for Medical Services may be provided data from the screening tool regarding their own covered members; and requiring confidentiality must be maintained”; which was referred to the Committee on Health and Human Resources.

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 Government Organization then Rules:

S. C. R. 25 - “Requesting the Joint Committee on Government and Finance study the impact of a future electromagnetic pulse catastrophe on the State of West Virginia.”

Whereas, Geomagnetic disturbances and electromagnetic pulses have the capability of producing significant damage to West Virginia’s infrastructure and electronic equipment; and

Whereas, West Virginia’s dependence on electricity was clearly demonstrated during the aftermath of the 2012 derecho which paralyzed much of the state; and

Whereas, West Virginia's vulnerability to severe threats is increasing daily through heightened use and dependence on electronic equipment; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby directed to study the impact of a future electromagnetic pulse catastrophe on the State of West Virginia; and, be it

Further Resolved, That the committee study strategies for prevention and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses. In conducting its study, the Joint Committee on Government and Finance shall: (i) Study the nature and magnitude of potential threats to the state of West Virginia caused by geomagnetic disturbances and electromagnetic pulses; (ii) examine West Virginia's vulnerabilities to the potential negative impacts of geomagnetic disturbances and electromagnetic pulses; (iii) identify strategies to prevent and mitigate the effects of geomagnetic disturbances and electromagnetic pulses on West Virginia's infrastructure; (iv) estimate the feasibility and cost of such preventative and mitigation measures; and (v) make recommendations regarding strategies West Virginia should employ to better protect itself from and mitigate damages caused by geomagnetic disturbances and electromagnetic pulses; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature 2021, 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.

Resolutions Introduced

Delegates Evans, Anderson, Angelucci, Atkinson, Barnhart, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Caputo, Cooper, Criss, Dean, Diserio, Doyle, Espinosa, Estep-Burton, Fast, Fleischauer, Fluharty, Hamrick, Hanna, Hansen, Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Lavender-Bowe, Little, Longstreth, Lovejoy, Mandt, C. Martin, Maynard, Miley, Miller, Pack, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Staggers, 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 Technology and Infrastructure then Rules:

H. C. R. 98 - "Requesting the Division of Highways name bridge number 24-052/00-03189 (24A268), locally known as Eckman Overhead, carrying U.S. 52 over CO52/9, NSRR, Elkhorn Creek in McDowell County, the 'Delegate Emily Warden Yeager Memorial Bridge'."

Whereas, Emily Warden Yeager was born on February 7, 1931, in Bluefield, West Virginia, to Roy and Edith Warden of Yukon, West Virginia and following her mother's death was raised in Bluefield by her paternal aunt, Doris Warden Stowers, and her husband, Tyler; and

Whereas, Emily Yeager graduated from Bluefield High School in 1948 and Salem College, North Carolina in 1952; and

Whereas, Emily Yeager married Ed Kornish, Sr. of Scranton, Pa. and worked for GE-Sonar Division in New York after which she returned to West Virginia and began a teaching career while raising three children as a single parent; and

Whereas, In 1972, Emily married Earl Yeager and moved to Welch and helped him run Yeager Ford Sales while attending Anderson Memorial Presbyterian Church in Welch; and

Whereas, Emily Yeager followed in her father's footsteps who had served two terms in the House of Delegates by being appointed to fill the unexpired term of Ebb B. Whitley, Jr. in 1993 and serving until 2004, and she also served as Director of the McDowell County Commission on Aging, councilwoman for the City of Welch, American Legion Post 8 Auxiliary, Chamber of Commerce, WVU Wheels Club, Gary Lions Club, Welch Kiwanis, McDowell County Democratic Women, Chamber of Commerce, Welch VFW auxiliary among other activities; and

Whereas, Emily Yeager died on January 20, 2018, and donated her body for medical research to the West Virginia School of Osteopathic Medicine in Lewisburg; and

Whereas, It is fitting that an enduring memorial be established to commemorate Emily Warden Yeager and her 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 24-052/00-031.89 (24A268), (37.40795, -81.46281), locally known as Eckman Overhead, carrying U.S. 52 over CO52/9, NSRR, Elkhorn Creek in McDowell County, the "Delegate Emily Warden Yeager 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 "Delegate Emily Warden Yeager Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Delegates Hartman, C. Thompson, Boggs 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. 99 - "Requesting the Division of Highways name bridge number (42A245), Randolph County, County Route 219/86 Bridge Milepost 42-219/86-005.18, Original Name Lazy Run Bridge, Featured Intersection Lazy Run, (39.01193, -79.81308), carrying CR WV Route 219/86 over Lazy Run in Randolph County, the 'U. S. Army CPL Russell Allen Taylor Memorial Bridge'."

Whereas, Corporal Russell Allen Taylor was born on December 23, 1948, in Elkins, West Virginia, and reared and educated in Randolph County, the son of Russell and Shirley Currence Taylor. He was sworn into the United States Army after attending Elkins High School and commenced active duty; and

Whereas, In January 1969, Corporal Taylor arrived in Vietnam where he served as an infantry soldier in D CO, 4th Bn, 31st Infantry, 196th Infantry Brigade, American Division. Corporal Taylor was killed on August 26, 1969, as a result of multiple gunshot wounds, after his platoon was attacked by a large North Vietnamese Army force while on a search and clear operation near the village of An Son in Quang Tin Providence, South Vietnam. Corporal Taylor was one of seven hundred West Virginia residents and one of over 17 Randolph County residents to make the ultimate sacrifice for his county during the Vietnam War; and

Whereas, Corporal Taylor, on the date of death, left his father Russell Taylor, mother Shirley Taylor, brothers; Danny, David, Gilbert and Jerry Taylor and sisters; Linda, Brenda, and Judy Taylor, Mrs Silvia Carr and Mrs Wanda Channel; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Russell Allen Taylor 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 (42A245), Randolph County, County Route 219/86 Bridge Milepost 42-219/86-005.18, Original Name Lazy Run Bridge, Featured Intersection Lazy Run, (39.01193, -79.81308), carrying CR WV Route 219/86 over Lazy Run in Randolph County, the “U. S. Army CPL Russell Allen Taylor Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the “U. S. Army CPL Russell Allen Taylor 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.

Special Calendar

Third Reading

S. B. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates; 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. 220**), 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: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 620) 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:

S. B. 620—“A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by

adding thereto a new section, designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates; authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate's failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program.”

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. 2775, Requiring each high school student to complete a full credit course of study in personal finance; 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. 221**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Canestraro, Espinosa, Kump, McGeehan, Rowe, Storch, Summers and Wilson.

Absent and Not Voting: Hartman, Kessinger 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. 2775) 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. 4092, Relating to foster care; on third reading, coming up in regular order, was read a third time.

Delegates Cowles, Hanna, Kump and McGeehan requested to be excused from voting on Com. Sub. for H. B. 4092 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. 222**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hartman, Kessinger 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. 4092) 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. 4165, West Virginia Remembers 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. 223**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, McGeehan and Wilson.

Absent and Not Voting: Hartman, Kessinger 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. 4165) 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. 4519, Establishing a summer youth intern pilot program within Department of Commerce; 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. 224**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan and Wilson.

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4519) 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. 4621, West Virginia FinTech Regulatory Sandbox Act; on third reading, coming up in regular order, was read a third time.

Delegate Estep-Burton requested to be excused from voting on Com. Sub. for H. B. 4621 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. 225**), 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: Hartman, Kessinger 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. 4621) 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. 4633, Expanding county commissions' ability to dispose of county or district 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. 226**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Foster, J. Jeffries, McGeehan, Waxman and Wilson.

Absent and Not Voting: Byrd, Hartman, Kessinger 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. 4633) 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. 4729, Requiring higher education institutions to use previous versions or editions of instructional materials; on third reading, coming up in regular order, was read a third time.

Delegate Hanna requested to be excused from voting on Com. Sub. for H. B. 4729 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. 227**), 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, Hartman, Kessinger 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. 4729) 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 Delegates Skaff, Byrd and Fast, the bill was amended on page one, section nine-b, line one, at the beginning of the sentence by inserting the letter “(a)”.

And,

On page one, section nine-b, line six, following the period, by inserting a new subsection “(b)” to read as follows:

“(b) For the purpose of expansion of internet service to underserved areas of the state at a lower construction cost, prior to a public service district beginning construction of a water or sewer line on any state rights-of-way, the public service district shall notify the municipality if the construction is within a municipality’s limits, or the county commission if the construction will occur outside any municipality. When the location and construction activity is suitable, the public service district shall allow that local government unit to install a fiber optics cable or conduit suitable for future installation of fiber optic cable. The

local governmental unit shall pay for the costs of installation of the cable or conduit and shall own and control its use.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2663, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code; 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. 4099, Eliminating the permit for shampoo assistants; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4450, Relating to instruction permits issued by the Division of Motor Vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4499, Relating to multicounty trail network authorities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4504, Relating to renewal application requirements for individuals with permanent disabilities; 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. 4537, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake; 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. 4543, Relating to insurance coverage for diabetics; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4620, Redefining definition of “recovery residence”; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hill and Rohrbach, the bill was amended on page one, by striking out section one in its entirety.

The bill was then ordered to engrossment and third reading.

H. B. 4714, Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization; 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. 4734, Rewriting the article on registered professional nurses; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Wilson, was reported by the Clerk, on page eight, section six, line ten, by striking out the entire subsection and inserting in lieu thereof the following:

“(7) Collect a voluntary donation not to exceed \$10 per license per year. The voluntary donation is to be used to fund the center for nursing and to carry out its purposes as set forth in §30-7B-1 et seq. of this code;”.

Delegate Summers requested to be excused from voting on Com. Sub. for H. B. 4734 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 amendment, offered by Delegate Wilson, was then adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4773, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page one, section one, by striking out subsection (a) in its entirety and inserting lieu thereof a new subsection (a) to read as follows:

“(a) The Legislature finds that there is a growing body of research documenting the linkages between adverse childhood experiences and childhood trauma on lifelong health and the prevention of adverse childhood experiences and mitigating their impact, therefore the following may be part of the state’s opioid response plan:”.

On page two, line twenty-eight, by striking out the word “shall” and inserting the word “may”.

On page three, line sixty-five, by striking out the words “shall have” and inserting the word “may perform”.

On page four, line eighty-two, by striking out the word “shall” and inserting the word “may”.

On page four, line eighty-three, by striking out the word “shall” and inserting the word “may”.

On page four, line eighty-four, by striking out the word “shall” and inserting the word “may”.

On page four, line eighty-five, by striking out the word “shall” and inserting the word “may”.

On page four, line eighty-eight, by striking out the word “shall” and inserting the word “may”.

On page four, line ninety, by striking out the word “shall” and inserting the word “may”.

On page five, line ninety-six, by striking out the word “shall” and inserting the word “may”.

And,

On page five, line ninety-seven after the word “adoption”, by inserting a period and striking the remainder of the sentence.

On motion of Delegate Pushkin, the bill was amended on page three, section one, line fifty-nine, by striking out the word “and”.

And,

On page three, section one, line sixty-one, by striking out the period, and inserting in lieu thereof the following:

“(23) One member chosen by the West Virginia Chapter of the National Association for the Advancement of Colored People;”

On motion of Delegates Zukoff and Lavender-Bowe, the bill was amended on page three, section one, line sixty-one, by striking out the period, inserting a semi-colon and the following: “and

(24) The West Virginia State Superintendent of Free Schools, or his or her designee.”

The bill was then ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, was read a first time and ordered to second reading:

Com. Sub. for S. B. 209, Relating to annexation by minor boundary adjustment,

Com. Sub. for S. B. 339, Authorizing DHHR promulgate legislative rules,

Com. Sub. for H. B. 4015, Relating to Broadband Enhancement and Expansion,

H. B. 4039, Providing limitations on nuisance actions against fire department and emergency medical services,

Com. Sub. for H. B. 4422, The Patient Brokering Act,

H. B. 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear,

H. B. 4529, Relating to the collection of assessments and the priority of liens on property within a resort area,

H. B. 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror,

Com. Sub. for H. B. 4593, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances,

Com. Sub. for H. B. 4594, Allowing poll workers to be appointed to work in precincts outside their county,

H. B. 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises,

Com. Sub. for H. B. 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees,

H. B. 4749, Providing more efficient application processes for private investigators, security guards, and firms,

H. B. 4777, Relating to the right of disposition of remains,

Com. Sub. for H. B. 4852, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine,

H. B. 4864, Relating to performance reviews of state agencies and regulatory boards,

H. B. 4865, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures,

And,

H. B. 4956, Relating generally to the partition of real property.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Hartman and Kessinger.

Miscellaneous Business

In response to an inquiry by Delegate Lovejoy regarding the reference of Com. Sub. for H. B. 2321 to the Committee on Finance, the Speaker replied that he had consulted Rules 80 and 98 and it is his opinion that he is empowered to make such references. However, the Speaker stated he had consulted with the Chairs of the Committees on the Judiciary and Finance, and, in the absence of objection, the Speaker withdrew the reference to the Committee on Finance.

Delegate Pushkin moved that the motion to discharge **H. B. 2741**, Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act, be taken from the table.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were (**Roll No. 228**), and there were—yeas 33, nays 60, absent and not voting 7, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaule, Staggers, C. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Boggs, Byrd, Hartman, Kessinger, Linville, Rodighiero and Swartzmiller.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Summers during Remarks by Members
- Delegate Caputo during Remarks by Members
- Delegate Longstreth during Remarks by Members
- Delegate Angelucci during Remarks by Members
- Delegate Barrett regarding Com. Sub. for H. B. 4092

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegates Dean and Estep-Burton for H. B. 4568
- Delegate Lovejoy for H. B. 4705
- Delegate Queen for H. J. R. 29
- Delegate Pyles for H. B. 2588
- Delegate Westfall for H. B. 4770
- Delegate Fast for H. B. 4853

At 1:28 p.m., the House of Delegates adjourned until 11:15 a.m., Wednesday, February 19, 2020.

Wednesday, February 19, 2020

FORTY-THIRD DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:15 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 18, 2020, 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 Energy 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 Anderson, Cadle, J. Kelly, Tomblin, Hott, Higginbotham, Porterfield, Azinger and Paynter:

H. B. 4957 - “A Bill to amend and reenact §11-13-2q of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-2r, all relating to business and occupation taxes imposed on operators of certain coal-fired electric generating units located in this state; clarifying application of certain sections of code; providing for recomputation of taxable generating capacity of certain coal-fired electric generating units for business and occupation tax purposes under certain circumstances; defining certain terms, imposing recapture tax under certain circumstances; and specifying effective dates.”

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 4957) 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. 4610, Relating to withholding tax on income of nonresidents from natural resources royalty payments,

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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4610) was referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4367, Adding speech pathologists to the step increase for special education teachers,

H. B. 4497, Requiring an external defibrillator device at any secondary school athlete event,

And,

H. B. 4939, Relating to senior citizens attending college classes at state institutions without receiving college credit,

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. 4367, H. B. 4497 and H. B. 4939) were each referred to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2794, Establishing the Summer Feeding for All initiative,

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. 2794) 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. 4009, Relating to the process for involuntary hospitalization,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4009 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized staff physician, after examination, to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; defining terms; providing for payment for services; limiting liability; requiring the West Virginia Supreme Court of Appeals to generate a statement for the attesting physician; providing the attesting physician statement be provide to the patient; requiring the West Virginia Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, designated county magistrates, and circuit judges; and establishing that if a mental hygiene commissioner, designated county magistrate, or circuit judge does not respond to the request within twenty-four hours a report shall be filed to the West Virginia Supreme Court of Appeals,"

With the recommendation that the committee substitute do pass.

[NOTE: This Com. Sub. for H. B. 4009 replaces an incorrect committee substitute reported on February 17, 2020.]

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 3127, Relating to the Secondary School Activities Commission and participation by home schooled students,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for 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; setting forth eligibility requirements for home schooled students to participate in extracurricular activities at member schools under certain circumstances; providing that member-to-member transfer protocols apply and providing that reasonable fees may be charged,”

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:

Com. Sub. for S. B. 657, Allowing designation of tourism development districts,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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. 4853, Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility,

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. 4853) 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. 4613, Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4613 - "A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended, relating to the Solid Waste Management Act and the disbursement of the funds from the 'Gas Field Highway Repair and Horizontal Drilling Waste Study Fund'; providing that the Division of Highways may expend the money from said fund only to improve, maintain, and repair public roads of three lanes or less located in the Division of Highway's district where the waste is deposited, rather than in the watershed from which the revenue was received, if those roads are damaged and congested due to horizontal well drilling activities and waste disposal; and updating grammatical style throughout the section,"

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. 4530, Authorizing daily passenger rental car companies to charge reasonable administrative fees,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4530 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-17, 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,"

H. B. 4626, West Virginia Development Achievements Transparency Act,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4626 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, §5B-9-8 and §5B-9-9, all relating to enacting the West Virginia Development Achievements Transparency Act; providing a short title; providing legislative purpose and findings; providing for definitions; outlining reporting requirements for entities providing a development subsidy; directing the Auditor to create a searchable website to view development subsidy data; detailing the items required to be provided on the Auditor's searchable website; protecting confidentiality of certain subsidy data; providing penalties related to the accuracy and timeliness of information reported; and permitting the Auditor to hold public hearings or trainings to ensure compliance with the article,"

H. B. 4651, Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4651 - “A Bill to amend and reenact §17-2A-17 of the West Virginia Code, 1931, as amended, relating to clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes to include depth as well as width; and updating antiquated language,”

And,

H. B. 4748, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4748 - “A Bill to amend and reenact §39-4-23 and §39-4-30 of the Code of West Virginia, 1931, as amended, all relating to the increase of fees that private nongovernment notary publics may charge for notarial acts; clarifying the appropriate manner of advertising for non-government notarial services; and providing the proper manner and content of the required disclaimer to notarial customers by private notary publics, which disclaimer clearly notifies notary customers that nonattorney notary publics are not permitted to provide legal services including document drafting, document review, or legal advice,”

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. 2588, Relating to occupational pneumoconiosis claims,

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 then referred the bill (H. B. 2588) 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. 4252, Board of Accountancy, board rules and rules of professional conduct,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4252 - "A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, 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 Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Board of Acupuncture to promulgate a legislative rule relating to fees for the Board of Acupuncture; authorizing the Board of Acupuncture to promulgate a legislative rule relating to auricular detoxification therapy certificate; authorizing the Board of Acupuncture to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Acupuncture to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; 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 Fresh Food Act; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing the Commissioner of

Agriculture to promulgate a legislative rule relating to poultry rules for hatcheries, growers, and contractors pertaining to poultry disease control and eradication; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to grade 'A' pasteurized milk; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia manufacture-grade milk; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to employment reference and inquiries and background checks; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Spay-Neuter Assistance Program; 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 hemp products; 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 farmers markets; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia exempted dairy farms and milk and milk products processing rules; authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects; authorizing the Board of Architects to promulgate a legislative rule relating to fees for registration of architects; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Dentistry to promulgate a legislative rule relating to rule for the West Virginia Board of Dental Examiners; authorizing the Board of Dentistry to promulgate a legislative rule relating to dental advertising; authorizing the Board of Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the Board of Dietitians to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain

individuals; authorizing the Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity; authorizing the Election Commission to promulgate a legislative rule relating to regulation of campaign finance; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Landscape Architects to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the Board; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to consideration

of prior criminal convictions in initial licensure determinations; authorizing the Board of Optometry to promulgate a legislative rule relating to rules for the West Virginia Board of Optometry; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants; 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 record keeping and automated data processing systems; 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 Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns; authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for centralized prescription processing; 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 application for waiver of initial licensing fees for certain individuals; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist assistants; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistant; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Board of Registration for Professional Engineers to promulgate a legislative rule relating to examination, licensure and practice of professional engineers; authorizing the Board of Professional Surveyors to promulgate a

legislative rule relating to examination and licensing of professional surveyors in West Virginia; authorizing the Board of Psychologists to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations and application for waiver of initial licensing fees for certain individuals; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Commission to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals; authorizing the Real Estate Commission to promulgate a legislative rule relating to consideration of prior criminal convictions in initial license eligibility determination; authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to request for waiver of initial licensing fees for certain individuals; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to establishment of fees; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to student limited permit; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Sanitarians to promulgate a legislative rule relating to waiver of initial application fees and criteria for initial licensure; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Board of Social Work to promulgate a legislative rule relating to fee schedule; authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology; authorizing the State Auditor to promulgate a legislative rule relating to local government purchasing card program; authorizing the State Conservation Committee to

promulgate a legislative rule relating to State Conservation Committee Grant Program; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians; authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to registration of veterinary technicians; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees,”

And,

H. B. 4668, Creating the misdemeanor crime of trespass for entering a structure that has been condemned,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4668 - “A Bill to amend and reenact §61-3B-2 of the Code of West Virginia, 1931, as amended, relating to creating the misdemeanor crime of trespass for entering a structure that has been clearly marked as condemned by a municipality as unfit for human habitation; providing criminal penalty; providing that for a first offense, a municipal judge or magistrate may substitute community correction or pretrial diversion before imposing a penalty,”

With the recommendation that the committee substitutes each do pass.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of February, 2020, 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 H. B. 2602, Including possession of known stolen property in the offense of receiving or transferring stolen property,

Com. Sub. for H. B. 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website,

And,

Com. Sub. for H. B. 4129, Relating to adoption.

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 18th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

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 18th day of February, 2020, 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. 46, Defining “pepper spray” and exempting from definition of “deadly weapons”,

Com. Sub. for S. B. 364, Authorizing Department of Transportation promulgate legislative rules,

Com. Sub. for S. B. 470, Relating to use of crossbow to hunt,

Com. Sub. for S. B. 487, Providing exception that all DNR payments be deposited within 24 hours,

Com. Sub. for S. B. 500, Relating to Class Y special crossbow hunting permit,

And,

Com. Sub. for S. B. 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

Messages from the Senate

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. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

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:

**“CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE, AND
ANTITHEFT PROVISIONS.**

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS
OR DISMANTLERS; SPECIAL PLATES;
TEMPORARY PLATES OR MARKERS.**

§17A-6-6. Refusal or issuance of license certificate; license certificate not transferable.

(a) Upon the review of the application and all other information before him or her, the commissioner may make and enter an order denying an application for a license certificate and refuse the license certificate sought. A denial and refusal are final and conclusive unless an appeal is made in accordance with the provisions of rules proposed for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*, of this code. The

commissioner shall make and enter an order denying or refusing a license, if the commissioner finds that the applicant (individually, if an individual, or the partners, if a co-partnership, or the officers and directors, if a corporation):

(1) Has failed to furnish the required bond unless otherwise exempt under the provisions of §17A-2-2a of this code;

(2) Has failed to furnish the required certificate of insurance;

(3) Has knowingly made false statement of a material fact in his or her application;

(4) Has habitually defaulted on financial obligations in this state or any other state or jurisdiction;

(5) Has been convicted of a felony: ~~*Provided, That upon appeal, the Motor Vehicle Dealers Advisory Board established pursuant to the provisions of section eighteen a of this article may grant an exemption of this restriction if the felony did not involve financial matters, the motor vehicle industry or matters of moral turpitude*~~ *Provided, That the commissioner shall apply §17A-6-6(c) and §17A-6-6(d) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;*

(6) So far as can be ascertained, has not complied with and will not comply with the registration and title laws of this state or any other state or jurisdiction;

(7) Does not or will not have or maintain at each place of business, subject to the qualification contained in 17A-6-1(a)(17) of this code with respect to a new motor vehicle dealer (an established place of business as defined for the business in question) in that section;

(8) Has been convicted of any fraudulent act in connection with the business of new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer, or wrecker or dismantler in this state or any other state or jurisdiction: *Provided,*

That the commissioner shall apply §17A-6-6(c) and §17A-6-6(d) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;

(9) Has done any act or has failed or refused to perform any duty for which the license certificate sought could be suspended or revoked were it then issued and outstanding;

(10) Is not age 18 years or older;

(11) Is delinquent in the payment of any taxes owed to the United States, the State of West Virginia, or any political subdivision of the state;

(12) Has been denied a license in another state or has been the subject of license revocation or suspension in another state;

(13) Has committed any action in another state which, if it had been committed in this state, would be grounds for denial and refusal of the application for a license certificate;

(14) Has failed to pay any civil penalty assessed by this state or any other state;

(15) Has failed to reimburse when ordered, any claim against the dealer recovery fund as prescribed in §17A-6-2a of this code; or

(16) Has failed to comply with the provisions of §17A-6E-1 *et seq.* of this code, pertaining to the employment of licensed salespersons.

Otherwise, the commissioner shall issue to the applicant the appropriate license certificate which entitles the licensee to engage in the business of new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer, or wrecker or dismantler, as the case may be.

(b) A license certificate issued in accordance with the provisions of this article is not transferable.

(c) The commissioner may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(d) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the commissioner shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(e) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition

shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

CHAPTER 19. AGRICULTURE.

ARTICLE 23. HORSE AND DOG RACING.

§19-23-8. Consideration of application for license or permit; issuance or denial; contents of license or permit; grounds for denial of application; determination of racing dates; license or permit not transferable or assignable; limitation on license; validity of permit.

(a) The Racing Commission shall promptly consider any application for a license or permit, as the case may be. Based upon such application and all other information before it, the Racing Commission shall make and enter an order either approving or denying the application. The application may be denied for any reason specified in subsection (b) of this section. If an application for a license is approved, the Racing Commission shall issue a license to conduct a horse or dog race meeting and shall designate on the face of the license the kind or type of horse or dog racing for which the same is issued, the racing association to which the same is issued, the dates upon which the horse or dog race meeting is to be held or conducted (which may be any weekdays, or week-nights, including Sundays), the location of the horse or dog racetrack, place or enclosure where the horse or dog race meeting is to be held or conducted, and other information as the Racing Commission shall consider proper. If an application for a permit is approved, the Racing Commission shall issue a permit and shall designate on the face of the permit such information as the Racing Commission considers proper.

(b) The Racing Commission may deny the application and refuse to issue the license or permit, as the case may be, which

denial and refusal is final and conclusive unless a hearing is demanded in accordance with the provisions of §19-23-16 of this code, if the Racing Commission finds that the applicant individually, if an individual, or the partners or members, if a partnership, firm, or association, or the owners and directors, if a corporation:

(1) Has knowingly made false statement of a material fact in the application or has knowingly failed to disclose any information called for in the application;

(2) Is or has been guilty of any corrupt or fraudulent act, practice, or conduct in connection with a horse or dog race meeting in this or any other state;

(3) Has been convicted, within 10 years prior to the date of the application, of an offense which under the law of this state, of any other state, or of the United States of America, shall constitute a felony: ~~or a crime involving moral turpitude~~ Provided, That the Racing Commission shall apply §19-23-8(g) and §19-23-8(h) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license or permit being sought;

(4) Has failed to comply with the provisions of this article or any reasonable rules of the Racing Commission;

(5) Has had a license to hold or conduct a horse or dog race meeting or a permit to participate therein denied for just cause, suspended, or revoked in any other state;

(6) Has defaulted in the payment of any obligation or debt due to this state under the provisions of this article;

(7) Is, if a corporation, neither incorporated under the laws of this state nor qualified to do business within this state;

(8) In the case of an application for a license, has failed to furnish bond or other adequate security, if the same is required by the Racing Commission under the provisions of §19-23-7 of this code;

(9) In the case of an application for a permit, is unqualified to perform the duties required for the permit sought; or

(10) In the case of an application for a permit, is, for just cause, determined to be undesirable to perform the duties required of the applicant.

(c) In issuing licenses and fixing dates for horse or dog race meetings at the various horse racetracks and dog racetracks in this state, the Racing Commission shall consider the horse racing circuits and dog racing circuits with which the horse racetracks and dog racetracks in this state are associated or contiguous to and shall also consider dates which are calculated to increase the tax revenues accruing from horse racing and dog racing.

(d) A license issued under the provisions of this article is neither transferable nor assignable to any other racing association and may not permit the holding or conducting of a horse or dog race meeting at any horse or dog racetrack, place, or enclosure not specified thereon. However, if the specified horse or dog racetrack, place, or enclosure becomes unsuitable for the horse or dog race meeting because of flood, fire, or other catastrophe, or cannot be used for any reason, the Racing Commission may, upon application, authorize the horse or dog race meeting, or any remaining portion thereof, to be conducted at any other racetrack, place, or enclosure available for that purpose, provided that the owner of the racetrack, place, or enclosure willingly consents to the use.

(e) No type of horse racing or dog racing shall be conducted by a licensee at any race meeting other than that type for which a license was issued.

(f) Each permit issued under the provisions of this section shall be for a period of one year, unless approved otherwise by the commission. Effective January 1, 2012, each permit shall be renewed according to the following schedule: Permits issued to persons whose date of birth is January 1 through and including April 30 shall be renewed no later than April 30 of each year; permits issued to persons whose date of birth is May 1 through and

including August 31 shall be renewed no later than August 31 of each year; and permits issued to persons whose date of birth is September 1 through and including December 31 shall be renewed no later than December 31 of each year. Each permit shall be valid at all horse or dog race meetings during the period for which it was issued unless it be sooner suspended or revoked in accordance with the provisions of this article. A permit issued under the provisions of this article is neither transferable nor assignable to any other person.

(g) The Racing Commission may not disqualify an applicant from an initial license or permit because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring a license or permit. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Racing Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(h) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from a license or permit because of a prior criminal conviction, the commissioner shall permit the applicant to apply for an initial license or permit if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(i) An individual with a criminal record who has not previously applied for a license or permit may petition the Racing Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license or permit. This petition shall include sufficient details about the individual's criminal record to enable the Racing Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Racing Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Racing Commission may charge a fee to recoup its costs for each petition.

(g)(j) The Racing Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code which establish the criteria for the approval or denial of a license or permit.

CHAPTER 21. LABOR.

ARTICLE 1. DIVISION OF LABOR.

§21-1-6. Use of criminal records as disqualification from authorization to engage in licensed profession or occupation.

(a) The commissioner may not disqualify an applicant from initial licensure, as required in this chapter, because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(b) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the commissioner shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(c) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

ARTICLE 2. EMPLOYMENT AGENCIES.**§21-2-9. Refusal to issue license.**

The State Tax Commissioner shall refuse to issue a license if, upon investigation, he or she finds that the applicant is unfit to engage in the business or has had a license previously revoked, or that the business is to be conducted on or immediately adjoining what is considered by him or her to be unsuitable premises, or that any other good reason exists within the meaning of the law: Provided, That the commissioner shall apply §21-1-6 of this code when determining to refuse a license.

ARTICLE 5. WAGE PAYMENT AND COLLECTION.**§21-5-5c. License required for psychophysiological detection of deception examiners; qualifications; promulgation of rules governing administration of psychophysiological detection of deception examinations.**

(a) No person, firm, or corporation shall administer a psychophysiological detection of deception examination, lie detector, or other similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate truthfulness without holding a current valid license to do so as issued by the Commissioner of Labor. No examination shall be administered by a licensed corporation except by an officer or employee thereof who is also licensed.

(b) A person is qualified to receive a license as an examiner if he or she:

(1) Is at least 21 years of age;

(2) Is a citizen of the United States;

(3) Has not been convicted of ~~a misdemeanor involving moral turpitude or a felony~~: Provided, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought;

(4) Has not been released or discharged with other than honorable conditions from any of the armed services of the United States or that of any other nation;

(5) Has passed an examination conducted by the Commissioner of Labor or under his or her supervision to determine his or her competency to obtain a license to practice as an examiner;

(6) Has satisfactorily completed not less than six months of internship training; and

(7) Has met any other qualifications of education or training established by the Commissioner of Labor in his or her sole discretion which qualifications are to be at least as stringent as those recommended by the American Polygraph Association.

(c) The Commissioner of Labor may designate and administer any test he or she considers appropriate to those persons applying for a license to administer psychophysiological detection of deception, lie detector, or similar examination. The test shall be designed to ensure that the applicant is thoroughly familiar with the code of ethics of the American Polygraph Association and has been trained in accordance with association rules. The test must also include a rigorous examination of the applicant's knowledge of and familiarity with all aspects of operating psychophysiological detection of deception equipment and administering psychophysiological detection of deception examinations.

(d) The license to administer psychophysiological detection of deception, lie detector, or similar examinations to any person shall be issued for a period of one year. It may be reissued from year to year. The licenses to be issued are:

(1) 'Class I license' which authorizes an individual to administer psychophysiological detection of deception examinations for all purposes which are permissible under the provisions of this article and other applicable laws and rules.

(2) 'Class II license' which authorizes an individual who is a full-time employee of a law-enforcement agency to administer

psychophysiological detection of deception examinations to its employees or prospective employees only.

(e) The Commissioner of Labor shall charge an annual fee to be established by legislative rule. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Psychophysiological Examiners Fund and expended for the implementation and enforcement of this section. Through June 30, 2019, amounts collected which are found from time to time to exceed funds needed for the purposes set forth in this section may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations. In addition to any other information required, an application for a license shall include the applicant's Social Security number.

(f) The Commissioner of Labor shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code governing the administration of psychophysiological detection of deception, lie detector, or similar examination to any person: *Provided*, That all applicable rules in effect on the effective date of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code will remain in effect until amended, withdrawn, revoked, repealed, or replaced. The legislative rules shall include:

(1) The type and amount of training or schooling necessary for a person before which he or she may be licensed to administer or interpret a psychophysiological detection of deception, lie detector, or similar examination;

(2) Testing requirements, including the designation of the test to be administered to persons applying for licensure;

(3) Standards of accuracy which shall be met by machines or other devices to be used in psychophysiological detection of deception, lie detector, or similar examination;

(4) The conditions under which a psychophysiological detection of deception, lie detector, or similar examination may be administered;

(5) Fees for licenses, renewals of licenses, and other services provided by the commissioner;

(6) Any other qualifications or requirements, including continuing education, established by the commissioner for the issuance or renewal of licenses; and

(7) Any other purpose to carry out the requirements of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code.

ARTICLE 14. SUPERVISION OF PLUMBING WORK.

§21-14-6. Denial, suspension, and revocation of license.

(a) The Commissioner of Labor may deny a license to any applicant who fails to comply with the rules established by the Commissioner of Labor, or who lacks the necessary qualifications: Provided, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought.

(b) The Commissioner of Labor may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure;

(3) The licensee incompetently or unsafely performs plumbing work; or

(4) The licensee violated any statute of this state, any legislative rule or any ordinance of any municipality or county of

this state which protects the consumer or public against unfair, unsafe, unlawful, or improper business practices.

ARTICLE 16. REGULATION OF HEATING, VENTILATING, AND COOLING WORK.

§21-16-7. Denial, suspension, and revocation of license.

(a) The Commissioner of Labor may deny a license to any applicant who fails to comply with the provisions of this article or the rules established by the Commissioner of Labor, or who lacks the necessary qualifications: Provided, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought.

(b) The Commissioner of Labor may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure;

(3) The licensee incompetently or unsafely performs heating, ventilating, and cooling work; or

(4) The licensee violated any statute of this state, any legislative rule, or any ordinance of any municipality or county of this state which protects the consumer or public against unfair, unsafe, unlawful, or improper business practices.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 22. STATE LOTTERY ACT.

§29-22-8. Lottery director; powers and duties; deputy directors; hiring of staff; civil service coverage; submission of proposed appropriations.

(a) The director shall have the authority to:

(1) Appoint, with the approval of the commission, a deputy director for each of the divisions established in this article. The deputy directors appointed shall serve at the will and pleasure of the director at an annual salary established by the commission. Deputy directors shall not be eligible for civil service coverage as provided in §29-6-4 of this code;

(2) The director shall hire, pursuant to the approval of the commission, such professional, clerical, technical, and administrative personnel as may be necessary to carry out the provisions of this article. ~~No person shall be employed by the lottery who has been convicted of a felony or other crime involving moral turpitude~~ Each person employed by the commission shall execute an authorization to allow an investigation of that person's background: Provided, That the director and the commission shall apply §29-22-8(d) and §29-22-8(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the occupation being sought.

(3) Designate the number and types of locations at which tickets may be sold.

(b) Effective July 1, 1986, all employees of the commission, except as otherwise provided herein, shall be in the classified service under the provisions of §29-6-1 *et seq.* of this code.

(c) The director shall, pursuant to the approval of the commission, prepare and submit the annual proposed appropriations for the commission to the Governor.

(d) The director and the Lottery Commission may not disqualify an applicant from initial employment because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity required for employment. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the director and the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(e) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from employment because of a prior criminal conviction, the director and the Lottery Commission shall permit the applicant to apply for initial employment if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from employment, to be determined by the Lottery Commission.

(f) An individual with a criminal record who has not previously applied for employment may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining employment. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of

receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-7. License and permit qualifications; individual qualifications; applicant required to furnish information; waiver of liability; oath or affirmation; duty to provide accurate and material information.

(a) No video lottery license or permit may be granted unless the commission has determined that the applicant satisfies all of the following qualifications:

(1) An applicant for a video lottery license must hold a valid racing license granted by the West Virginia Racing Commission under provisions of §19-23-1 *et seq.* of this code.

(2) An applicant must be a person of good character and integrity.

(3) An applicant must be a person whose background, including criminal record, reputation, and associations, does not pose a threat to the security and integrity of the lottery or to the public interest of the state. All new applicants for licenses and permits issued by the commission shall furnish fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation. The fingerprints shall be furnished by all persons required to be named in the application and shall be accompanied by a signed authorization for the release of information by the Criminal Investigation Bureau and the Federal Bureau of Investigation. The commission may require any applicant seeking the renewal of a license or permit to furnish fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation: Provided, That the Lottery Commission shall apply §29-22A-7(g) and §29-22A-7(h) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license or permit being sought. A person who has been

~~convicted of any violation of §29-22-1 *et seq* of this code or of this article or of any crime related to theft, bribery, gambling or involving moral turpitude is not eligible for any license or permit. The commission shall revoke the license or permit of any person who is convicted of any such crime after a license or permit is granted~~

(4) An applicant must be a person who demonstrates the business ability and experience necessary to establish, operate, and maintain the business for which a video lottery license or permit application is made.

(5) An applicant must be a person who has secured adequate financing for the business for which a video lottery license or permit application is made. The commission shall determine whether financing is from a source which meets the qualifications of this section and is adequate to support the successful performance of the duties and responsibilities of the licensed racetrack or permit holder. An applicant for a video lottery license shall disclose all financing or refinancing arrangements for the purchase, lease, or other acquisition of video lottery terminals and associated equipment in the degree of detail requested by the commission. A licensed racetrack shall request commission approval of any change in financing or lease arrangements at least 30 days before the effective date of the change.

(6) A racetrack applying for a video lottery license or a license renewal must present to the commission evidence of the existence of an agreement, regarding the proceeds from video lottery terminals, between the applicant and the representative of a majority of the horse owners and trainers, the representative of a majority of the pari-mutuel clerks and the representative of a majority of the breeders or the representative of a majority of the kennel owners for the applicable racetrack who hold permits required by §19-23-2 of this code.

(7) A racetrack applying for a video lottery license or a license renewal must file with the commission a copy of any current or proposed agreement between the applicant and any manufacturer for the sale, lease, or other assignment to the racetrack of video

lottery terminals, the electronic computer components of the terminals, the random number generator of the terminals, or the cabinet in which it is housed. Once filed with the commission, the agreement is a public document subject to the provisions of §29B-1-1 *et seq.* of this code.

(b) No video lottery license or permit may be granted to an applicant until the commission determines that each person who has control of the applicant meets all applicable qualifications of subsection (a) of this section. The following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company, or subsidiary company of the applicant, but not including a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business, who has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation.

(2) Each person associated with a noncorporate applicant who directly or indirectly holds any beneficial or proprietary interest in the applicant or ~~who~~ whom the commission determines to have the ability to control the applicant.

(3) Key personnel of an applicant, including any executive, employee or agent, having the power to exercise significant influence over decisions concerning any part of the applicant's business operation.

(c) Applicants must furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, and other materials requested by the commission for purposes of determining qualifications for a license or permit. No video lottery license or permit may be granted to an applicant who fails to provide information and documentation requested by the commission. The burden of proving qualification for any video lottery license or permit is on the applicant.

(d) Each applicant bears all risks of adverse public notice, embarrassment, criticism, damages, or financial loss which may result from any disclosure or publication of any material or information obtained by the commission pursuant to action on an application. The applicant shall, as a part of its application, expressly waive any and all claims against the commission, the State of West Virginia and the employees of either for damages as a result of any background investigation, disclosure, or publication relating to an application for a video lottery license or permit.

(e) All application, registration, and disclosure forms and other documents submitted to the commission by or on behalf of the applicant for purposes of determining qualification for a video lottery license or permit shall be sworn to or affirmed before an officer qualified to administer oaths.

(f) An applicant who knowingly fails to reveal any fact material to qualification or who knowingly submits false or misleading material information is ineligible for a video lottery license or permit.

(g) The Lottery Commission may not disqualify an applicant from an initial license or permit because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring a license or permit. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(h) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from a license or permit because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for an initial license or permit if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from a license or permit, to be determined by the Lottery Commission.

(i) An individual with a criminal record who has not previously applied for a license or permit may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license or permit. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

ARTICLE 22B. LIMITED VIDEO LOTTERY.

§29-22B-502. General qualifications for all types of limited video lottery licenses.

(a) No limited video lottery license or license renewal may be granted unless the Lottery Commission has determined that the applicant satisfies all of the following qualifications:

(1) The applicant is a person of good character, honesty, and integrity;

(2) The applicant is a person whose background, criminal record, if any, reputation, habits, and associations, do not threaten to (A) compromise the public interest of the citizens of the state, (B) weaken the effective regulation and control of video gaming, (C) breach the security and integrity of the lottery, or (D) introduce corrupt, unfair, or illegal practices, methods, and activities into the operation of video gaming or the business or financial transactions incidental to the operation of video gaming;

(3) The applicant has not been convicted of any violation of §29-22B-101 *et seq.*, §19-23-1 *et seq.*, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-25-1 *et seq.* of this code, or any felony related to theft, bribery, or gambling or involving moral turpitude in this or in any other state or foreign country: Provided, That the Lottery Commission shall apply §29-22B-502(b) and §29-22B-502(c) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought.

(4) The applicant has disclosed to the Lottery Commission the identity of each person who has control of the applicant, as control is described in §29-22B-507 of this code, and those persons satisfy all qualifications required by this section and any applicable qualifications required by §29-22B-503 through §29-22B-506 of this code;

(5) The applicant has provided a set of fingerprints and has completed and signed the statement provided for in §29-22B-602 of this code;

(6) The applicant has furnished all information, including financial data and documents, certifications, consents, waivers, individual history forms, and other materials requested by the Lottery Commission for purposes of determining qualifications for a license.

(b) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that

remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(c) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission.

(d) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's

criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.

§29-22C-15. License or registration prohibitions.

(a) The commission may not grant any license or registration pursuant to the provisions of this article if evidence satisfactory to the commission exists that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gaming operation, or had a license or registration revoked by any governmental authority of a state of the United States having responsibility for the regulation of gambling or gaming activities; or

(3) Has been convicted of a crime, ~~of moral turpitude~~ a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order: Provided, That the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought.

(b) In the case of an applicant for a license to supply a racetrack with West Virginia Lottery table games, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article.

(c) In the case of an applicant for a racetrack table games license, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee knowingly employs an individual in a job classification which includes West Virginia Lottery table games management duties who has been convicted of ~~a crime of moral turpitude~~ a gambling-related offense, or a theft, or fraud offense under the laws of this state, another state, the United States or a territory of the United States or knowingly employs any individual in a job classification which includes West Virginia Lottery table games management duties who has had a license relating to the operation of a gaming activity revoked by this state or any other state: Provided, That the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the licensed profession.

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation, which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article, unless the sale has been approved in advance by the commission.

(d) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(e) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission.

(f) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

§29-22C-16. License or registration denial, revocation, suspension, and reprimand.

(a) Notwithstanding any provision of §29-22C-13(b) of this code to the contrary, the commission may deny a license or registration to any applicant, reprimand any licensee or registrant, or suspend or revoke a license or registration if the applicant, ~~or~~ licensee, registrant, or any person having control of the applicant, ~~or~~ licensee, or registrant:

(1) Fraudulently or deceptively obtains or attempts to obtain a license or registration for the applicant, ~~or~~ licensee, registrant, or another person;

(2) Fraudulently or deceptively uses a license or registration;

(3) Is or has been convicted of a felony under the laws of this state, another state, the United States, or a territory of the United States: *Provided*, That in the event an applicant is seeking initial licensure, the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's

prior criminal convictions bear a rational nexus to the licensed profession; or

4) Is or has been convicted of a misdemeanor under the laws of this state, another state, the United States or a territory of the United States for gambling or a gambling related activity: Provided, That in the event an applicant is seeking initial licensure, the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the licensed profession.

(b) Instead of or in addition to reprimanding a licensee or registrant or suspending or revoking a license or registration, the commission may impose a civil penalty under §29-22C-31 of this code.

ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

§29-22D-10. License prohibitions.

(a) The commission may not grant any license, pursuant to the provisions of this article, if evidence satisfactory to the commission exists that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental authority responsible for regulation of gaming activities;

(3) Has been convicted of ~~a crime of moral turpitude~~ a gambling-related offense, a theft, or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order: Provided, That the Lottery Commission shall apply §29-22D-10(c) and §29-22D-10(d) of this code in determining whether an applicant's prior

criminal convictions bear a rational nexus to the license being sought; or

(4) Is a company or individual who has been directly employed by any illegal or offshore book that serviced the United States, or otherwise accepted black market wagers from individuals located in the United States.

(b) The commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article.

(c) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(d) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission.

(e) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

(e)(f) In the case of an applicant for a sports wagering license, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if an applicant has not met

the requirements of this section or any other provision of this article.

ARTICLE 25. AUTHORIZED GAMING FACILITY.

§29-25-13. False statements on applications; other license or registration requirements and prohibitions.

(a) Any person who knowingly makes a false statement on an application is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 and confined in jail for not more than six months except that in the case of a person other than a natural person, the amount of the fine imposed may not be more than \$25,000.

(b) The commission may not grant a license or registration pursuant to the provisions of this article if there is substantial evidence that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gambling operation in another jurisdiction by a board or other governmental authority of that jurisdiction having responsibility for the regulation of gambling or gaming activities;

(3) Has been convicted of a felony, ~~an offense of moral turpitude~~ a gambling offense, a theft or fraud offense or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order: Provided, That the Lottery Commission shall apply §29-25-13(d) and §29-25-13(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;

(4) Has failed to meet any monetary obligation in connection with a gaming facility or any other form of gaming; or

(5) In the case of an applicant for a license to operate a gaming facility or to supply a gaming facility:

(A) Has not demonstrated financial responsibility sufficient to meet adequately the requirements of the enterprise proposed;

(B) Is not the true owner of the enterprise or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in such enterprise; or

(C) Is a corporation and five percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is issued unless the contract or option was disclosed to and approved by the commission.

(c) In addition to any other grounds specified in this article, and subject to the hearing provisions of §29-25-17 of this code, in the case of a license to operate a gaming facility the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee or any controlling person of the applicant or licensee knowingly employs an individual in a senior management position who has been convicted of a felony, bearing a rational nexus to the license, under the laws of this state, another state, a territory of the United States, or the United States or employs any individual in a senior management position who has had a license relating to the operation of a gaming facility revoked by this state or any other state: Provided, That the Lottery Commission shall apply §29-25-13(d) and §29-25-13(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought.

(d) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(e) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission.

(f) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

~~(d)~~(g) Character references may be required of persons licensed, but the character reference may not be obtained from

persons in the same or similar occupations or professions in other states.

CHAPTER 31. CORPORATIONS.

ARTICLE 17A. WEST VIRGINIA SAFE MORTGAGE LICENSING ACT.

§31-17A-5. Issuance of license.

(a) The commissioner may not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

~~(a)~~(1) The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of the revocation may not be considered a revocation.

~~(b)~~(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign or military court: *Provided*, That any pardon of a conviction may not be a conviction for purposes of this subsection: *Provided, however, That the commissioner shall apply §31-17A-5(b) and §31-17A-5(c) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;*

~~(1)~~(A) During the ~~seven-year~~ five-year period preceding the date of the application for licensing and registration; or

~~(2)~~(B) At any time preceding the date of application if the ~~felony involved an act of fraud, dishonesty or a breach of trust, or money laundering crime bears a rational nexus to the license being sought.~~

~~(e)~~(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this article.

For purposes of this subsection a person has shown that he or she is not financially responsible when he or she has shown a disregard in the management of his or her own financial condition. The commissioner shall not use a credit score as the sole basis for license denial. A determination that an individual has not shown financial responsibility may include, but not be limited to:

~~(1)~~(A) Current outstanding judgments, except judgments solely as a result of medical expenses;

~~(2)~~(B) Current outstanding tax liens or other government liens and filings;

~~(3)~~(C) Foreclosures within the past three years; and

~~(4)~~(D) A pattern of seriously delinquent accounts within the past three years.

~~(e)~~(4) The applicant has completed the pre-licensing education requirement described in §31-17A-6 of this code.

~~(e)~~(5) The applicant has passed a written test that meets the test requirement described in §31-17A-7 of this code.

~~(f)~~(6) The applicant has met the surety bond requirement as required pursuant to 31-17A-13 of this code.

(b) The commissioner may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(c) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the commissioner shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(d) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

CHAPTER 32A. LAND SALES; FALSE ADVERTISING; ISSUANCE AND SALE OF CHECKS, DRAFTS, MONEY ORDERS, ETC.

ARTICLE 2. CHECKS AND MONEY ORDER SALES, MONEY TRANSMISSION SERVICES, TRANSPORTATION, AND CURRENCY EXCHANGE.

§32A-2-8. Qualifications for license or renewal of license.

(a) The commissioner may issue a license to an applicant only upon first determining that the financial condition, business experience, and character and general fitness of an applicant are such that the issuance of the license is in the public interest: Provided, That the commissioner shall apply §32A-2-8(f) and §32A-2-8(g) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought.

(b) An applicant for a license shall agree in writing to comply with the currency reporting and record-keeping requirements of 31 U.S.C. §5313, as well as those set forth in 31 C.F.R. Chapter X and any other relevant federal law.

(c) A person is not eligible for a license or shall surrender an existing license if, during the previous ~~ten~~ five years:

(1) The person or a principal of the person, ~~is~~ of a business:

(A) Has been convicted of a felony or a crime involving fraud, or ~~deceit, or moral turpitude~~ under the laws of this state, any other state, or the United States;

(B) Has been convicted of a crime under the laws of another country that involves fraud or ~~deceit or moral turpitude~~ or would be a felony if committed in the United States; or

(C) Has been convicted under a state or federal law relating to currency exchange or transmission or any state or federal monetary instrument reporting requirement; or

(2) The person, a principal of the person, or the spouse of the person or a principal of the person has been convicted of an offense under a state or federal law relating to drug trafficking, money laundering, or a reporting requirement of the Bank Secrecy Act, 12 U.S.C. §1951 *et seq.*, as amended.

(d) The commissioner will review the application to determine whether the applicant:

(1) Has recklessly failed to file or evaded the obligation to file a currency transaction report as required by 31 U.S.C. §5313 during the previous three years;

(2) Has recklessly accepted currency for exchange, transport, or transmission during the previous three years in which a portion of the currency was derived from an illegal transaction or activity;

(3) Will conduct its authorized business within the bounds of state and federal law, including, but not limited to, §31D-15-1501 of this code;

(4) Warrants the trust of the community;

(5) Has and will maintain a minimum tangible net worth of \$50,000 computed according to generally accepted accounting principles as shown by the most recent audited financial statement filed with and satisfactory to the commissioner, and in addition has and will maintain a minimum tangible net worth of \$25,000, computed according to generally accepted accounting principles for each office or delegate location other than its principal office at which its licensed business is transacted, except that an applicant for a license or renewal of a license may not be required by this article to maintain a tangible net worth of more than \$1 million, computed according to generally accepted accounting principles; and

(6) Does not owe delinquent taxes, fines, or fees to any local or state taxing authority or governmental agency, department, or other political subdivision of this state.

(e) A person is not eligible for a license, and a person who holds a license shall surrender the license to the commissioner, if the person or a principal of the person has at any time been convicted of:

(1) A felony involving the laundering of money that is the product of or proceeds from criminal activity under chapter 61 of this code, or a similar provision of the laws of another state or the United States; or

(2) A felony violation of 31 U.S.C. §5313 or 5324, or a rule adopted under those sections.

(f) The commissioner may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(g) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the commissioner shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(h) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

~~(f)~~(i) Before approving an application for a license of an applicant who has less than one year's experience in the proposed business governed by this article as a regulated entity in another state, or whose license has been suspended or revoked by another state, the commissioner may, in his or her discretion, conduct an on-site investigation of an applicant at the sole expense of the applicant and may require the applicant to pay a nonrefundable payment of the anticipated expenses for conducting the investigation. Failure to make the payment or cooperate with the investigation is grounds for denying the application.

CHAPTER 33. INSURANCE.

ARTICLE 13C. VIATICAL SETTLEMENTS ACT.

§33-13C-3. License and bond requirements.

(a)(1) A person may not operate as a viatical settlement provider or viatical settlement broker without first obtaining a license from the commissioner.

(2)(A) An insurance producer who is authorized to sell life insurance in this state pursuant to a resident or nonresident license issued in accordance with the provisions of §33-12-1 *et seq.* of this code may operate as a viatical settlement broker without obtaining a license pursuant to this section if the viatical settlement activities of the producer are incidental to the producer's insurance business activities.

(B) The insurer that issued the policy being viaticated is not responsible for any act or omission of a viatical settlement broker or viatical settlement provider arising out of or in connection with the viatical settlement transaction, unless the insurer receives compensation for the placement of a viatical settlement contract from the viatical settlement provider or viatical settlement broker in connection with the viatical settlement contract.

(3) A person licensed as an attorney, certified public accountant, or financial planner accredited by a nationally recognized accreditation agency who is retained to represent the viator, whose compensation is not paid directly or indirectly by the viatical settlement provider, may negotiate viatical settlement contracts on behalf of the viator without having to obtain a license as a viatical settlement broker.

(b) Application for a viatical settlement provider or viatical settlement broker license and for renewals of the licenses shall be made in the manner prescribed by the commissioner and shall be accompanied by fees established in legislative rules, including emergency rules, promulgated by the commissioner.

(1) The commissioner may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(A) The nature and seriousness of the crime for which the individual was convicted;

(B) The passage of time since the commission of the crime;

(C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(D) Any evidence of rehabilitation or treatment undertaken by the individual.

(2) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, unless that conviction is a felony pursuant to §33-13C-14 of this code, the commissioner shall permit the applicant to apply for initial licensure if:

(A) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(B) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(C) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(3) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

(c) The commissioner has the authority, at any time, to require the applicant to fully disclose the identity of all stockholders, partners, officers, members, and employees and the commissioner may, in the exercise of the commissioner's discretion, refuse to issue a license in the name of a legal entity if not satisfied that any officer, employee, stockholder, partner, or member of the entity who may materially influence the applicant's conduct meets the standards of this article.

(d) The commissioner shall make an investigation of each applicant and issue a license if the commissioner finds that the applicant:

(1) If a viatical settlement provider, has provided a detailed plan of operation;

(2) Is competent and trustworthy and acts in good faith in the capacity of a licensee;

(3) Has a good business reputation and is qualified by experience, training, or education as a viatical settlement provider or broker;

(4) Has demonstrated evidence of financial responsibility, in a format prescribed by the commissioner, by possessing a minimum equity of not less than \$250,000 in cash or cash equivalents reflected in the applicant's audited financial statements or through a surety bond executed and issued by an insurer authorized to issue surety bonds in this state in the amount of \$250,000: *Provided*, That the commissioner may permit an applicant for a broker's license to demonstrate evidence of financial responsibility through a policy of insurance covering legal liability resulting from erroneous acts or failure to act in their capacity as a viatical settlement broker and inuring to the benefit of any aggrieved party as the result of any single occurrence in the sum of not less than \$100,000 and \$300,000 in the aggregate for all occurrences within one year. Any surety bond issued pursuant to this subdivision shall be in the favor of this state and shall specifically authorize recovery by the commissioner on behalf of any person in this state who sustained damages as the result of erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices by the viatical settlement provider or viatical settlement broker. The commissioner shall accept, as evidence of financial responsibility, proof that financial instruments in accordance with the requirements in this paragraph have been filed with a state in which the applicant is licensed as a viatical settlement provider or viatical settlement broker. The commissioner may ask for evidence of financial responsibility at any time he or she considers it necessary.

(5) If a legal entity has provided a certificate of good standing from the state of its domicile; and

(6) Has provided an antifraud plan that meets the requirements of §33-13C-14(g) of this code.

(e) The commissioner may not issue a license to a nonresident applicant unless the applicant files with the commissioner either a written designation of an agent for service of process or the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the commissioner.

(f) A viatical settlement provider or viatical settlement broker shall provide to the commissioner new or revised information about officers, 10 percent or more stockholders, partners, directors, members, or designated employees within 30 days of the change.

(g) An individual licensed as a viatical settlement broker shall complete on a biennial basis 15 hours of training related to viatical settlements and viatical settlement transactions as required by the commissioner. A life insurance producer operating as a viatical settlement broker pursuant to subdivision (2), subsection (a) of this section is not subject to the requirements of this subsection. Any person failing to meet the requirements of this subsection is subject to the penalties imposed by the commissioner.

§33-13C-4. License revocation and denial.

(a) The commissioner may refuse to issue, suspend, revoke, place on probation, or refuse to renew the license of a viatical settlement provider or viatical settlement broker if the commissioner finds that:

(1) There was any material misrepresentation in the application for the license;

(2) The licensee or any officer, partner, member, or key management personnel has been convicted of fraudulent or dishonest practices, is subject to a final administrative action, or is otherwise shown to be untrustworthy or incompetent;

(3) The viatical settlement provider demonstrates a pattern of unreasonable payments to viators;

(4) The licensee or any officer, partner, member, or key management personnel has been found guilty of, or has pleaded guilty or nolo contendere to, any felony, or to a misdemeanor involving fraud ~~or moral turpitude~~, regardless of whether a judgment of conviction has been entered by the court: Provided, That the commissioner shall apply §33-13C-3(b) of this code and any relevant legislative rules in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;

(5) The viatical settlement provider has entered into any viatical settlement contract that has not been approved pursuant to this article;

(6) The viatical settlement provider has failed to honor contractual obligations set out in a viatical settlement contract;

(7) The licensee no longer meets the requirements for initial licensure;

(8) The viatical settlement provider has assigned, transferred or pledged a viaticated policy to a person other than a viatical settlement provider licensed in this state, viatical settlement purchaser, an accredited investor, or qualified institutional buyer as defined respectively in Rule 501(a) or Rule 144A promulgated under the Federal Securities Act of 1933, as amended, financing entity, special purpose entity, or related provider trust; or

(9) The licensee or any officer, partner, member, or key management personnel has violated any provision of this article.

(b) The commissioner may suspend, revoke, or refuse to renew the license of a viatical settlement broker or a life insurance producer operating as a viatical settlement broker pursuant to this article if the commissioner finds that the viatical settlement broker or life insurance producer has violated the provisions of this article or has otherwise engaged in bad faith conduct with one or more viators.

(c) If the commissioner denies a license application or suspends, revokes, or refuses to renew the license of a viatical settlement provider, viatical settlement broker, or life insurance producer operating as a viatical settlement broker, the commissioner shall conduct a hearing in accordance with §33-2-13 of this code.”

And,

By amending the title of the bill to read as follows:

H. B. 4353 – “A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 and §29-22C-16 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code; all relating to the use of post-criminal conduct in professional and occupational initial licensure decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person’s criminal records precludes licensure.”

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. 229**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Angelucci, Capito, Hornbuckle and J. Kelly.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4353) 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 that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines.

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. 572 - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$18,294,868 from the balance of moneys remaining as an unappropriated balance in the Lottery Net Profits, and making a supplementary appropriation of

public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources – Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, to the Department of Health and Human Resources – Consolidated Medical Services Fund, fund 0525, fiscal year 2020, organization 0506, and to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511”; 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. 717 - “A Bill to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5, §9-6-6, §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-13, and §9-6-16 of the Code of West Virginia, 1931, as amended, all relating to adult protective services, abuse, neglect, and vulnerable adults; defining terms; replacing old terms and adding new terms; and providing for the release of investigative summaries of substantiated and unsubstantiated reports of abuse, neglect, or financial exploitation to certain individuals”; 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. 725 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2020, organization 0402, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2020, organization 0402, and to the Department of Education, State

Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2020, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; 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. 778 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$5,158,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511”; 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. 779 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$4,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Veterans’ Assistance – Department of Veterans’ Assistance, fund 0456, fiscal year 2020, organization 0613”; 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. 780 - “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 Military Affairs and Public Safety – Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, fund 8785, fiscal year 2020, organization 0603, by supplementing, amending, decreasing, and adding new items of appropriations for the fiscal year ending June 30, 2020”; which was referred to the Committee on Finance.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 4, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge,

Com. Sub. for H. C. R. 13, Watts Brothers Memorial Road,

H. C. R. 14, U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge,

Com. Sub. for H. C. R. 17, U. S. Army PFC William E. “Ed” Smith and W. Va. Army Nat. Guard SSG Edward L. “Eddie” Smith Memorial Bridge,

H. C. R. 19, Gold Star Families Highway,

Com. Sub. for H. C. R. 20, U. S. Army PFC James Ray Miller Memorial Bridge,

Com. Sub. for H. C. R. 21, U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge,

Com. Sub. for H. C. R. 32, Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge,

Com. Sub. for H. C. R. 33, U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge,

H. C. R. 34, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

H. C. R. 35, U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge,

H. C. R. 38, U. S. Army PFC Nile C. Ballard Memorial Road,

H. C. R. 39, Coach Kenny Wright Road,

H. C. R. 45, U. S. Army Sgt John Matthew Tully Memorial Bridge,

H. C. R. 52, U. S. Army PFC Paul Eugene Gregg Memorial Bridge,

H. C. R. 53, U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge,

Com. Sub. for H. C. R. 54, PFC Marvin K. "Sonny" Sherman Memorial Bridge,

H. C. R. 55, Pendleton County Veterans Killed in Action Memorial Bridge,

H. C. R. 62, USMC Cpl Guy Maywood Edwards Memorial Bridge,

H. C. R. 65, U. S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge,

And,

H. C. R. 70, U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

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. 230**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Hornbuckle and J. Kelly.

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 or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered; requiring public service districts to notify municipalities or county commissions; requiring the public service district to allow the local government unit to install a fiber optics cable or conduit suitable for future installation of fiber optic cable; and requiring the local governmental unit to pay for the costs of installation of the cable or conduit and shall own and control its use.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 231**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Hornbuckle and J. Kelly.

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. 2028) 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. 2663, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Summers, the bill was postponed one day.

Com. Sub. for H. B. 4099, Eliminating the permit for shampoo assistants; 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. 232**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4099) 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. 4450, Relating to instruction permits issued by the Division of 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. 233**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4450) 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. 4499, Relating to multicounty trail network authorities; 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. 234**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4499) 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. 4504, Relating to renewal application requirements for individuals with permanent disabilities; 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. 235**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4504) 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. 4537, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake; 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. 236**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4537) 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. 4543, Relating to insurance coverage for diabetics; on third reading, coming up in regular order, was read a third time.

Delegates Anderson, Bartlett, Boggs, S. Brown, Campbell, Ellington, Fleischauer, Hanna, Hicks, Higginbotham, Hott, Howell, Linville, C. Martin, P. Martin, Maynard, Porterfield, Rodighiero, Rowan, Staggers, Steele, Toney and Westfall requested to be excused from voting on Com. Sub. for H. B. 4543 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. 237**), 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, Foster, McGeehan and Waxman.

Absent and Not Voting: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4543) 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. 4620, Redefining definition of “recovery residence”; 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. 238**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4620) passed.

On motion of Delegate Hill, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4620 - “A Bill to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended, relating to certification of recovery residences; and clarifying that building code applies to certain structures; and clarifying that fire code applies to certain structures.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 4714, Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization; 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. 239**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4714) 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. 4734, Rewriting the article on 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. 240**), 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: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4734) 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. 4773, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state; 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. 241**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler and Waxman.

Absent and Not Voting: Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4773) 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. 209, Relating to annexation by minor boundary adjustment; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 339, Authorizing DHHR promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page three, section one, line twenty-five, subsection (e), following the word “authorized”, by striking out the period and inserting a comma and the following:

“with the following amendments:

On page four, by striking out subsection 4.2;

And,

On page three, section one, line thirty-three, subsection (g), following the word “authorized”, by striking out the period and inserting a comma and the following:

“with the following amendments:

On page five, by striking out subsection 2.36 and inserting a new subsection 2.36 to read as follows: “2.36 “Medical cannabis” means cannabis that is grown and sold which is certified for medical use in 64 CSR 110.”

On page three, section one, line thirty-eight, subsection (h), following the word “authorized”, by striking out the period and inserting a comma and the following:

“with the following amendments:

On page four, by striking out subsection 2.29 and inserting a new subsection 2.29 to read as follows: 2.36 “Medical cannabis” means cannabis that is grown and sold which is certified for medical use in accordance with §64-110-10.;

On page twelve, subdivision 8.1.d., after the words “minimum of”, by deleting the words “four years” and inserting in lieu thereof the words “two years”; and

On page thirteen, subparagraph 8.2.f.2., after the words “recording for”, by deleting the words “four years” and inserting in lieu thereof the words “two years”.

And,

On page fifteen, by striking section §64-110-10 and inserting in lieu thereof new §64-110-10 to read as follows:

“§64-110-10. Forms of medical cannabis.

10.1. A grower/processor may only process medical cannabis for dispensing to a patient or caregiver in the following forms:

10.1.a. Pill;

10.1.b. Oil;

10.1.c. Topical forms, including gel, creams, and ointments;

10.1.d. A form medically appropriate for administration by vaporization or nebulization;

10.1.e. Liquid;

10.1.f. Dermal patch; or

10.1.g. Dry leaf or plant form.

10.2. A grower/processor may not manufacture, produce, or assemble any medical cannabis product, instrument, or device without prior written approval of the bureau.”

On page four, section one, line forty-three, subsection (i), following the word “authorized”, by striking out the period and inserting a comma and the following:

“with the following amendments:

On page three, by striking subsection 2.15 and inserting a new subsection 2.15 to read as follows: “2.15 “Medical cannabis”

means cannabis that is grown and sold which are certified for medical use in 64 CSR 110.”

On page four, section one, line forty-eight, subsection (j), following the word “authorized”, by striking out the period and inserting a comma and the following:

“with the following amendment:

On page three, by striking subsection 2.19 and inserting a new subsection 2.19 to read as follows: “2.19 “Medical cannabis” means cannabis that is grown and sold which are certified for medical use in 64 CSR 110.”; and

On page twelve, subdivision 11.1.d., after the words “minimum of”, by deleting the words “four years” and inserting in lieu thereof the words “two years”.

On page four, section one, line fifty-three, subsection (k), following the word “authorized”, by striking out the period and inserting a comma and the following:

“with the following amendment:

On page one, by striking subsection 2.7 and inserting a new subsection 2.7 to read as follows: “2.7 “Medical cannabis” means cannabis that is grown and sold which are certified for medical use in 64 CSR 110.”.

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. 242**), and there were—yeas 74, nays 23, absent and not voting 3, with the yeas and absent and not voting being as follows:

Nays: Anderson, Atkinson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cowles, Criss, Espinosa, Fast, Graves, D. Jeffries, Jennings, Kessinger, P. Martin, Porterfield, Rohrbach, Rowan, Summers, Toney and Waxman.

Absent and Not Voting: Hardy, Hornbuckle and J. Kelly.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

On motion of Delegate Pack, the bill was amended on page three, line twenty-five, by striking out the word “center”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 4015, Relating to Broadband Enhancement and Expansion; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page ten, section six-a, line five, following the word “Code”, by inserting a period and striking out the remainder of that section.

The bill was then ordered to engrossment and third reading.

H. B. 4039, Providing limitations on nuisance actions against fire department and emergency medical services; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegate J. Jeffries, was reported by the Clerk.

Whereupon,

Delegate J. Jeffries 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. 4422, The Patient Brokering Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Atkinson, the bill was amended on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. WILDLIFE RESOURCES.

§20-2-5j. Leashed dogs for tracking mortally wounded deer or bear.

(a) Notwithstanding any provision of this chapter to the contrary, a person who is legally hunting and reasonably believes he or she has mortally wounded a deer or bear may use leashed dogs to track and locate the mortally wounded deer or bear. The hunter is also permitted to use a dog handler of leashed dogs to track and locate the mortally wounded deer or bear. The hunter or the dog handler shall maintain physical control of the leashed dogs at all times.

(b) The act of tracking a mortally wounded deer or bear with a dog is hunting and the hunter and handler are subject to all applicable laws and rules, including the requirement to have written permission to hunt on private property and to hunt during legal hunting hours. It is unlawful for a hunter or dog handler to track deer or bear with leashed dogs under the provisions of this section unless he or she is in possession of a valid hunting license issued pursuant to §20-2-1 et seq. of this code or is a person excepted from licensing requirements pursuant to §20-2-27 and §20-2-28 of this code, and all other lawful authorizations as prescribed in §20-2-37 of this code. The hunter shall accompany the dog handler and only the hunter may kill a mortally wounded deer or bear. The deer or bear shall count toward the bag limit of the hunter.

(c) Any dog handler providing tracking services for profit must be licensed as an outfitter or guide pursuant to §20-2-23 of this code.

§20-2-16. Dogs chasing deer.

No person may permit or use his or her dog to hunt or chase deer. A Except as provided in §20-2-5j of this code, a natural

resources police officer shall take into possession any dog known to have hunted or chased deer. ~~and the director shall advertise that the dog is in his or her possession, giving a description of the dog and stating the circumstances under which it was taken. The notice shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty nine of this code, and the publication area for the publication is the county. He or she shall hold the dog for a period of ten days after the date of the publication. If, within ten days, the owner does not claim the dog, the director shall destroy it. In this event the cost of keeping and advertising shall be paid by the director. If, within ten days, the owner claims the dog, he or she may repossess it on the payment of costs of advertising and the cost of keep, not exceeding 50¢ per day. A natural resources police officer, or any officer or employee of the director authorized to enforce the provisions of this section, after a bona fide but unsuccessful effort to capture dogs detected chasing or pursuing deer, may kill the dogs. If the owner of the dog can be determined, the dog shall be returned to the owner. If the owner of the dog cannot be determined, the natural resources police officer shall deliver the dog to the appropriate county humane officer or facility consistent with the provision of this code.~~

§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.

(a) A person may not hunt, capture, or kill any bear, or have in his or her possession any bear or bear parts, except during the hunting season for bear in the manner designated by rule or law. For the purposes of this section, bear parts include, but are not limited to, the pelt, gallbladder, skull and claws of bear.

(b) A person who kills a bear shall, within twenty-four hours after the killing, electronically register the bear. A game tag number shall be issued to the person and recorded in writing with the person's name and address, or on a field tag and shall remain on the skin until it is tanned or mounted. Any bear or bear parts not properly tagged shall be forfeited to the state for disposal to a charitable institution, school or as otherwise designated by the director.

(c) Training dogs on bears or pursuing bears with dogs is the hunting of bear for all purposes of this chapter, including all applicable regulations and license requirements.

(d) It is unlawful:

(1) To hunt bear without a bear damage stamp, as prescribed in section forty-four-b of this article, in addition to a hunting license as prescribed in this article;

(2) To hunt a bear with:

(A) A shotgun using ammunition loaded with more than one solid ball; or

(B) A rifle of less than twenty-five caliber using rimfire ammunition;

(3) To kill or attempt to kill, or wound or attempt to wound, any bear through the use of bait, poison, explosives, traps or deadfalls or to feed bears at any time. For purposes of this section, bait includes, but is not limited to, corn and other grains, animal carcasses or animal remains, grease, sugars in any form, scent attractants and other edible enticements, and an area is considered baited for ten days after all bait has been removed;

(4) To shoot at or kill:

(A) A bear weighing less than seventy-five pounds live weight or fifty pounds field dressed weight, after removal of all internal organs;

(B) Any bear accompanied by a cub; or

(C) Any bear cub so accompanied, regardless of its weight;

(5) To transport or possess any part of a bear not tagged in accordance with the provisions of this section;

(6) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of this section; or

(7) Except as provided in §20-2-5j of this code, To organize for commercial purposes or to professionally outfit a bear hunt, or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt, notwithstanding the provisions of sections twenty-three and twenty-four of this article.

(e) The following provisions apply to bear damaging or destroying property:

(1)(A) Any property owner or lessee who has suffered damage to real or personal property, including loss occasioned by the death or injury of livestock or the unborn issue of livestock, caused by an act of a bear may complain to any natural resources police officer of the division for protection against the bear.

(B) Upon receipt of the complaint, the officer shall immediately investigate the circumstances of the complaint. If the officer is unable to personally investigate the complaint, he or she shall designate a wildlife biologist to investigate on his or her behalf.

(C) If the complaint is found to be justified, the officer or designated wildlife biologist may issue a permit to kill the bear that caused the property damage or may authorize the owner and other residents to proceed to hunt, destroy or capture the bear that caused the property damage: *Provided*, That only the natural resources police officer or the wildlife biologist may recommend other measures to end or minimize property damage: *Provided, however*, That, if out-of-state dogs are used in the hunt, the owners of the dogs are the only nonresidents permitted to participate in hunting the bear.

(2) (A) When a property owner has suffered damage to real or personal property as the result of an act by a bear, the owner shall file a report with the director of the division. A bear damage report shall be completed by a representative of the division and shall state whether or not the bear was hunted and destroyed or killed under authorization of a depredation permit and, if so, the sex and weight shall be recorded and a premolar tooth collected from the

bear, all of which shall be submitted with the report. The report shall also include an appraisal of the property damage occasioned by the bear fixing the value of the property lost. Bear damage claims will not be accepted for personal and real property which is commonly used for the purposes of feeding, baiting, observing or hunting wildlife, including, but not limited to, hunting blinds, tree stands, artificial feeders, game or trail cameras and crops planted for the purposes of feeding or baiting wildlife.

(B) The report shall be ruled upon and the alleged damages examined by a commission comprised of the complaining property owner, an officer of the division and a person to be jointly selected by the officer and the complaining property owner.

(C) The division shall establish the procedures to be followed in presenting and deciding claims, issuing bear depredation permits and organizing bear hunts under this section in accordance with article three, chapter twenty-nine-a of this code.

(D) All claims shall be paid in the first instance from the Bear Damage Fund provided in section forty-four-b of this article: *Provided*, That the claimant shall submit accurate information as to whether he or she is insured for the damages caused by the acts of bear on forms prescribed by the director, and all damage claims shall first be made by the claimant against any insurance policies before payment may be approved from the Bear Damage Fund. Claims for an award of compensation from the Bear Damage Fund shall be reduced or denied in the amount the claimant is actually reimbursed by insurance for the economic loss upon which the claim is based. In the event the fund is insufficient to pay all claims determined by the commission to be just and proper, the remainder due to owners of lost or destroyed property shall be paid from the special revenue account of the division.

(3) In all cases where the act of the bear complained of by the property owner is the killing of livestock, the value to be established is the fair market value of the livestock at the date of death. In cases where the livestock killed is pregnant, the total value is the sum of the values of the mother and the unborn issue,

with the value of the unborn issue to be determined on the basis of the fair market value of the issue had it been born.

(f) *Criminal penalties.* (1) Any person who commits a violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, which is not subject to suspension by the court, confined in jail not less than ten nor more than thirty days, or both fined and confined. Further, the person's hunting and fishing licenses shall be assigned six points, however, the hunting and fishing licenses of any person convicted of a violation of this section which results in the killing or death of a bear shall be suspended for two years.

(2) Any person who commits a second violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$3,000, which is not subject to suspension by the court, confined in jail not less than thirty days nor more than one hundred days, or both fined and confined. The persons hunting and fishing licenses shall be suspended for five years.

(3) Any person who commits a third or subsequent violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,500 nor more than \$5,000, which is not subject to suspension by the court, confined in jail not less than six months nor more than one year, or both fined and confined. The person's hunting and fishing licenses shall be suspended for ten years.”

The bill was then ordered to engrossment and third reading.

H. B. 4529, Relating to the collection of assessments and the priority of liens on property within a resort area; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror; 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. 4593, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances; 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. 4594, Allowing poll workers to be appointed to work in precincts outside their county; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises; 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. 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4749, Providing more efficient application processes for private investigators, security guards, and firms; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4777, Relating to the right of disposition of remains; 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. 4852, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Summers, the bill was postponed one day.

H. B. 4864, Relating to performance reviews of state agencies and regulatory boards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4865, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4956, Relating generally to the partition of real 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 read a first time and ordered to second reading:

S. B. 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state,

Com. Sub. for S. B. 623, Allowing noncitizen of US be eligible for teaching certificate,

Com. Sub. for H. B. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

Com. Sub. for H. B. 3098, Allowing the same business owner to brew and sell beer to also distill and sell liquor,

Com. Sub. for H. B. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System,

Com. Sub. for H. B. 4408, Requiring the State Board of Education to develop and implement an online database for the employment of school principals,

Com. Sub. for H. B. 4452, Modifying the notice requirements for the redemption of delinquent properties,

Com. Sub. for H. B. 4474, Relating to peer-to-peer car sharing programs,

Com. Sub. for H. B. 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity,

H. B. 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase,

Com. Sub. for H. B. 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals,

Com. Sub. for H. B. 4634, Southern West Virginia Lake Development Study Commission Act,

Com. Sub. for H. B. 4645, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance,

H. B. 4737, Clarifying student eligibility for state-sponsored financial aid,

And,

Com. Sub. for H. B. 4820, Relating to inventory of firearms owned by state agencies.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Hornbuckle and J. Kelly.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Angelucci during Remarks by Members

- Delegate Storch during Remarks by Members

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate R. Thompson for H. B. 4705

- Delegates Nelson and Westfall for H. B. 4797

- Delegates Byrd, Mandt, Miller, Nelson and Phillips for H. B. 4872

- Delegate Boggs for H. B. 2149

- Delegate Westfall for H. B. 2088

- Delegate Westfall for H. J. R. 29

At 12:51 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 20, 2020.

Thursday, February 20, 2020

FORTY-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 Wednesday, February 19, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 2663, on Third Reading, Special Calendar, Com. Sub. for H. B. 4852, on Second Reading, Special Calendar and Com. Sub. for H. B. 4651, on First Reading, Special Calendar had been transferred to the House Calendar; and, Com. Sub. for H. B. 4001, on Third Reading, House Calendar, Com. Sub. for H. B. 4155, on Third Reading, House Calendar, and Com. Sub. for H. B. 4388, on First Reading, House Calendar, had been transferred to the Special Calendar.

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.

Introduction of Resolutions

Delegates Bates, Steele, Pack and Toney, on Behalf of the Members of the House of Delegates offered the following resolution, which was reported by the Clerk:

H. R. 12 - “Memorializing the life of the Honorable Sally Matz Susman, proud mother, grandmother, great-grandmother, journalist, public servant and West Virginian.”

Whereas, Sally Matz Susman was born on June 14, 1930, in Bluefield, West Virginia, daughter of the late Rose Caplan and Nathan Matz. In addition to her parents, Sally was preceded in death by her husband, Alan Land Susman, and is survived by her children, daughter Robin Susman Wartella and her husband Bradley Paul, son Benjamin Matz Susman and his wife Dixie Pullins, and son Thomas Land Susman and his wife Carol Lynn, and her six grandchildren: Alisa Rae Wartella, Leigh Matz Wartella, Jennifer Rose Susman, Courtney Lynn Susman, Austin David Susman, and Michael Alan Susman; and two great-grandchildren: John Carlson Hutchinson and Miles Alan Hutchinson; and

Whereas, Sally Susman graduated high school from Brenau Academy in Gainesville, Georgia, and received her bachelor’s degree in journalism from The Ohio State University in Columbus, Ohio; and

Whereas, Sally, for many years, was a member of the fourth estate, as a newspaper publisher and editor, operating the Mullens Advocate in Mullens, West Virginia, and the Gulf Times in Sophia, West Virginia; and

Whereas, Sally also served as the director of the Bank of Mount Hope and the Raleigh County National Bank, and volunteered her time as a member of the Advisory Board for the West Virginia University School of Medicine, and as a board member of the West Virginia Foundation for Independent Colleges; and

Whereas Sally’s numerous activities in her local community include being a member of the Coalfield Expressway, volunteering for the Beckley Garden Club, the Beckley Women’s Club, the West Virginia Chapter of the NAACP, and numerous other community service organizations; and

Whereas, Fueled by her passion and desire to contribute to her

community, Sally Susman was elected to serve two terms on Raleigh County Board of Education; and then subsequently ran for and was elected to the West Virginia House of Delegates and proudly represented the 27th District of Raleigh and Summers Counties for ten years, from 1999 until 2006 and again from 2009 to 2010; and

Whereas, Through her service in the House of Delegates, Delegate Susman served on numerous committees, most notably serving as Vice-Chair of the Committee on Constitutional Revision and Vice-Chair of the Committee on Political Subdivisions, and as Chair of the Employee Suggestion Award Board; and

Whereas, Sally's commitment to education, health care, and ensuring equality among all West Virginians will forever be remembered and reflected in her amiable legacy; and

Whereas, Delegate Susman was never afraid to speak her mind; and

Whereas, During her service with the House of Delegates, she developed many close friendships with other members and House staff and will always be appreciated and remembered by those of us at the House of Delegates who had the honor to know her kindness, generosity and friendship; and

Whereas, Sadly, West Virginia lost a fine citizen, committed and respected public servant, giving and dedicated friend to many. The Honorable Sally Matz Susman passed away on December 23, 2019; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of the Honorable Sally Matz Susman, proud mother, grandmother, great-grandmother, journalist, public servant, loyal and caring West Virginian; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy to her family at the passing of the Honorable Sally Matz Susman; 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 Sally Matz Susman.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration, and then read by the Clerk.

The question 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. 243**), 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: Dean, Hornbuckle and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 12) adopted.

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. 4447, Creating the shared table initiative for senior citizens who suffer from food insecurity,

H. B. 4606, Listing contractor classifications on a contractor license,

H. B. 4882, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state,

H. B. 4884, Relating to a charitable or public service organization must submit a certifying statement attesting to its status,

And,

H. B. 4887, Relating to revocation, cancellation, or suspension of business registration certificates,

And reports the same back with the recommendation that they each do pass.

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 Howell, C. Martin, Wilson and Jennings:

H. B. 4960 - "A Bill to amend and reenact §29-3B-3 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure as an electrician a person who installs low voltage electrical wiring."

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 Howell, C. Martin, Stagers, Tomblin and Barnhart:

H. B. 4959 - "A Bill to amend and reenact §31-15-5 and §31-15-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties; clarifying the ability of the Board of Directors to delegate to the Executive Director the authority to enter into said contracts; and to clarify the exemption from the requirements to use the Purchasing Division for contracts made in furtherance of the agency's statutory purpose."

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. 4792, Relating to the board of public works assessing a flat fee on land owned by a railroad, telegraph, telephone, or pipeline under certain conditions,

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. 4792) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4823, Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4823 - "A Bill to amend and reenact §24-6-3 of the Code of West Virginia, 1931, as amended, relating to emergency 911 telephone system and wireless enhanced 911 fees; and requiring the Public Service Commission in cooperation with the State Auditor to develop a plan for periodic audits of the expenditure of the fees from these systems,"

And,

H. B. 4886, Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4886 - “A Bill to amend and reenact §17C-17A-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Public Service Commission and the Division of Highways to submit reports to the Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee and to the Joint Committee on Government and Finance concerning activity on the Coal Resource Transportation Road System,”

With the recommendation that the committee substitutes 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. 4360, Exempting certain persons from heating, ventilating, and cooling system licensing requirements,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4360 - “A Bill to amend and reenact §21-16-3 of the Code of West Virginia, 1931, as amended, relating to heating, ventilating, and cooling system licensing requirements; exempting from licensure requirements certain persons only performing electrical, or plumbing work on a heating, ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans, and tankless water heater ventilation; providing for recognition of verified military service, training or education; and clarifying reciprocity provisions,”

H. B. 4464, Relating to driving privileges and requirements for persons under the age of 18,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4464 - “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 a motor vehicle and specifying exception; and making a violation of level three license terms and conditions subject to criminal penalty provision; and relating to extending the validity of a level one instruction driver’s permit to 180 days after a person who is an active member of the military reaches the age of 18 years,”

And,

H. B. 4803, Directing the State Fire Commission to promulgate a legislative rule related to code official certification standards,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4803 - “A Bill to amend and reenact §29-3C-3 and §29-3C-5 of the Code of West Virginia, 1931, as amended, all relating to certification of electrical inspectors,”

With the recommendation that the committee substitutes each do pass.

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. 4899, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals,

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. 4899) 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. 2646, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for 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 fringe 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 fringe benefits due upon the employee's separation of employment without first making a written demand to the employer; requiring the employer to inform the employee of who the authorized representative is and where to send a written demand; permitting only those employees who have made a written demand to the employer to be included in a class action lawsuit brought for the underpayment or nonpayment of wages and fringe benefits due upon the employee's separation of employment; allowing the class action to proceed if only the named employee is paid; and defining the term 'written demand','"

And,

H. B. 4485, Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4485 - “A Bill to repeal §15-5-4, §15-5-27, §29-3-1, §29-3-2, §29-3-3, §29-3-4, §29-3-5, §29-3-5a, §29-3-5b, §29-3-5c, §29-3-5d, §29-3-5e, §29-3-5f, §29-3-6, §29-3-7, §29-3-8, §29-3-9, §29-3-10, §29-3-11, §29-3-12, §29-3-12a, §29-3-12b, §29-3-13, §29-3-14, §29-3-15, §29-3-16, §29-3-16a, §29-3-16b, §29-3-16c, §29-3-16d, §29-3-17, §29-3-18, §29-3-19, §29-3-21, §29-3-22, §29-3-27, §29-3-28, §29-3-29, §29-3-30, and §29-3-32 of the Code of West Virginia 1931, as amended; to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §15-1A-3 of said code; to amend and reenact §15-5-3, §15-5-4b, §15-5-4c, §15-5-13, §15-5-20a, §15-5-24 and §15-5-26 of said code; to amend said code by adding thereto a new section, designated as §15-5-29; to amend and reenact §15A-1-2 and §15A-1-3 of said code; to amend said code by adding thereto a new section, designated as §15A-1-9; to amend said code, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, to amend said code by adding thereto a new article, designated §15A-10-1, §15A-10-2, §15A-10-3, §15A-10-4, §15A-10-5, §15A-10-6, §15A-10-7, §15A-10-8, §15A-10-9, §15A-10-10, §15A-10-11, §15A-10-12, §15A-10-13, §15A-10-14, §15A-10-15, §15A-10-16, §15A-10-17, §15A-10-18, §15A-10-19, §15A-10-20, §15A-10-21, §15A-10-22, §15A-10-23, §15A-10-24, and §15A-10-25; to amend said code by adding thereto a new article, designated §15A-11-1, §15A-11-2, §15A-11-3, §15A-11-4, §15A-11-5, §15A-11-6, §15A-11-7, §15A-11-8, §15A-11-9, §15A-11-10, and §15A-11-11; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend said code by adding thereto a new section, designated §33-2-23, all relating to reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security; clarifying the divisions that report to the cabinet secretary of that Department, removing the Adjutant General’s Office, State Armory Board, and Military Awards Board from the Department of Military Affairs and Public Safety; clarifying the agencies

established within the Department of Military Affairs and Public Safety; delineating that the secretary of each state Department cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; requiring that the Adjutant General cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; designating the Department of Homeland Security as the State Administrative Agency for homeland security and emergency management grants; designating the Division of Homeland Security and Emergency Management as the Division of Emergency Management; making the employees of the Division of Emergency Management classified exempt employees; terminating the West Virginia Disaster Recovery Board; providing that the State Resiliency Officer have the authority to disburse funds from the Disaster Recovery Trust Fund; granting powers necessary to accomplish such disbursement to the State Resiliency Officer; providing for appropriations and other funding sources to the Disaster Recovery Trust Fund; deleting requirements for government entities with deficiently trained floodplain managers to transfer their floodplain oversight to another governmental entity; amending provisions regarding administration of the Disaster Recovery Trust Fund; providing the State Resiliency Officer need not pay taxes for moneys deposited in the Disaster Recovery Trust Fund or other assets of such Fund; repealing the provision for an annual report of the abolished Disaster Recovery Board; providing the Director of the Division of Emergency Management shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; establishing the powers and duties of the Secretary of Homeland Security; establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety; authorizing the appointment of a Chief Hearing Examiner, establishing the organization of the Office of the Chief Hearing Examiner; establishing the jurisdiction of the office of administrative hearings; establishing hearing procedures; establishing rule-making authority; establishing a duty to provide notice of change of address; establishing policies for the transition from divisions of the department of homeland security to the office of administrative hearings; separating the Fire Marshal from the Fire Commission;

transferring the Fire Marshal from the State Fire Commission to the Department of Homeland Security; setting forth the appointment process for the Fire Marshal, setting forth qualifications, salary, and responsibilities of the State Fire Marshal; allowing the Fire Marshal to hire employees; allowing the Fire Marshal to hire a Deputy, and setting the qualifications of the Deputy; requiring new Fire Marshals 1, 2, 3, and Deputies to become certified law-enforcement officers; setting forth powers and duties of the State Fire Marshal; setting forth additional powers and duties relating to law enforcement, statewide contracts, penalties, and authority to carry firearms; creating enforcement standards for the state building and fire codes; creating rule-making authority; allowing the appointment of advisory boards; setting forth the responsibilities of insurance companies in fire loss investigations; allowing the Fire Marshal to set fees; requiring an annual report; setting forth maintenance of fire hazard standards; allowing orders for repair or demolition; allowing orders to contain notice to comply and a right to appeal; providing standards for service of repair or demolition orders; clarifying who is responsible for cost of work or demolition; allowing an action to recover cost; requiring smoke detectors in one and two family dwellings; requiring carbon monoxide detectors in residential units, schools, and day care facilities and setting forth penalties; allowing the use of live trees in public buildings under certain circumstances; setting forth safety standards for bed and breakfast establishments; setting forth standards for installation of propane gas systems; setting forth parameters to abate fire hazards; setting forth license denial, limitation, suspension and revocation standards; creating an independent informal dispute process for licensees upon appeal; establishing demonstration building and equipment standards for educational instruction for fire protection and prevention and abatement; creating crime of false alarm of fires and setting forth penalties; creating tax on insurance companies; setting forth general criminal penalties for violation; setting forth that the parts of the article are construed liberally; creating a severability section; allowing the Fire Marshal to award service weapons to retiring employees under certain conditions; allowing the Fire Marshal to dispose of unused firearms; continuing the Fire Commission, setting forth composition, qualifications, appointment, terms of

office, removal, vacancies, and compensation and expenses; establishing chairperson, vice chairperson, meeting and quorum requirements; creating rule making authority for fire code, building code, and general rule making authority; continuing the hazardous response training program; requiring public hearing and notice prior to promulgation of fire code; setting forth commission's powers and conduct of public hearing; setting forth commission's powers duties and authority; setting forth authority over volunteer fire department training, and equipment, and creating rule-making authority for such; continuing courtesy certification of firefighters in surrounding states to serve as volunteer firefighters; continuing the Fire Service Equipment and Training Fund; providing the Commissioner of Agriculture shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the State Conservation Committee shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the Director of the Division of Natural Resources shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the Secretary of the Department of Environmental Protection shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; repealing generally now-obsolete provisions relating to the Fire Commission and State Fire Marshal; placing the State Resiliency office under the Office of the Governor; adding the President of the West Virginia Emergency Management Council, the Secretary of the Department of Homeland Security, Director of the Division of Emergency Management on the State Resiliency Office Board; adding two non-voting member legislators from each house of the Legislature to the State Resiliency Office Board; specifying tenure of office on that board; providing that members of the board serve without compensation, but may collect necessary expenses; providing certain mandatory duties for that Board; providing the State Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate, and setting the duties and qualifications for such officer; providing for the employment of a deputy to the State Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate, upon

presentation from a list of names by the State Resiliency Office Board, and, setting the duties and qualifications for such officer; providing that the State Resiliency officer and his or her deputy must have complimentary work experience; specifying the areas in which the State Resiliency Office Board shall be required to assist the State Resiliency Officer to fulfill the missions of that office, and specifying the areas where that body shall assist the State Resiliency Officer to devise plans and develop procedures; providing for certain exemptions from the Public Meetings Act and Freedom of Information Act for meetings of and materials presented to the Board; delineating the authority of the State Resiliency Office and the State Resiliency Officer in carrying out their missions; providing the State Resiliency Officer shall report at least quarterly to the Joint Legislative Committee on Flooding; granting the State Resiliency Officer authority to hire employees for the office; providing that such employees are at-will, may participate in state insurance and other programs, and, if entrusted with state funds, shall execute surety bonds; providing that the State Resiliency Officer shall set employee salary rates; creating the state Office of the National Flood Insurance Program in the Office of the Insurance Commissioner; requiring a coordinator to administer such program; providing that state owned property in any non-participating community shall be governed by appropriate rules promulgated by the Insurance Commissioner; requiring the coordinator and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed by and must be approved by the State Resiliency Officer and State Resiliency Office Board; requiring the coordinator to establish and enforce flood plain management regulations in special hazard areas which are in conformity with Federal laws and regulations; and which are in conformity with Federal laws and regulations; and providing the coordinator of the state office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties,”

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. 4396, Relating to reporting suspected governmental fraud,

And,

H. B. 4760, Modifying video lottery retailer licensing eligibility requirements,

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. 4354, Adding nabiximols to the permitted list of distributed and prescribed drugs,

H. B. 4715, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest,

H. B. 4797, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership,

And,

H. B. 4872, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

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. 2088, Relating to admissibility of certain evidence in a civil action for damages,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 2088 - “A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages; requiring a causal relationship between the use or nonuse of a safety belt and the alleged injuries or death; providing that evidence of use or nonuse of a safety belt may be admitted in specified circumstances related to a claim involving ejection from the vehicle, a product liability claim, injuries causing death, and, where medical expenses exceed \$50,000; providing disclosure requirements for medical expense evidence; establishing that defenses related to use or nonuse of a safety belt be raised timely, with designated specificity and in accordance with trial rules of procedure; requiring expert testimony in certain circumstances; providing for a hearing related to evidence; and establishing that any finding by the court is limited to the admissibility of evidence.”

H. B. 4377, The Protection of Vulnerable Adults from Financial Exploitation Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4377 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-6-601, §32-6-602, §32-6-603, §32-6-604, §32-6-605, §32-6-606, §32-6-607, §32-6-608, §32-6-609 and §32-6-610, all relating to the creation of The Protection of Eligible Adults From Financial Exploitation; defining terms; establishing the obligations and duties of broker-dealers and investment advisers to notify certain agencies of potential financial exploitation; permitting broker-dealers and investment advisers to delay a

disbursement when financial exploitation is suspected; requiring the retention of records; and providing immunity from administrative and civil liability,”

H. B. 4433, Relating to deeds of trust,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4433 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-2a, all relating to deeds of trust; establishing rules of construction for deeds of trust; establishing certain rights, duties and obligations of parties to a deed of trust; and setting forth exceptions to rules of construction,”

And,

H. B. 4853, Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4853 - “A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a public service district or municipality that owns or operates a water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service; and providing for requirements and conditions for the same,”

With the recommendation that the committee substitutes each do pass.

On motion for leave, a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegates Ellington, Higginbotham, Hanna and Campbell:

H. C. R. 102 - “Requiring the development of funding formulas for West Virginia’s public institutions of higher education, both baccalaureate institutions and community and technical colleges, by the start of the Regular Session of the 2021 Legislature.”

Whereas, The State of West Virginia traditionally has relied upon re-appropriation of the previous year’s base budgets for determining the funding level for the State’s public institutions of higher education; and

Whereas, The “Resource Allocation Model” and full-time equivalent enrollment basis for funding no longer provide the needed direction to the Legislature to appropriate funds that adequately support students and public institutions of higher education; and

Whereas, In 2017 the Legislature directed the West Virginia Higher Education Policy Commission (Commission) to research and present information about ways to more equitably fund the state’s colleges and universities; and

Whereas, The majority of states have implemented outcomes-based funding models to help determine the funding level for their public institutions of higher education; and

Whereas, Effective outcomes-based funding models reward institutions for meeting a state’s higher education goals, including the West Virginia Climb Initiative that seeks to equip 60 percent of working-aged West Virginians with a postsecondary credential by 2030, while also supporting individual institutional missions; and

Whereas, The presidents of West Virginia’s 10 public baccalaureate institutions of higher education have committed to work together, and with the Commission, to develop a funding formula for their institutions that would allow them to be rewarded for meeting objectives that reflect their established institutional missions and progress toward the state’s college attainment goal;

and

Whereas, The presidents of West Virginia's nine public community and technical colleges have committed to work together, and with the West Virginia Council for Community and Technical College Education (Council), to achieve the same goal for their institutions; and

Whereas, All 10 public baccalaureate institutions, in conjunction with the Commission, and all 9 community and technical colleges, in conjunction with the Council, have agreed to collaborate to develop state appropriation funding models for each system of institutions by October 31, 2020; and

Whereas, The West Virginia Legislature fully supports and strongly encourages this endeavor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commission, the Council, and West Virginia's public colleges and universities shall work collaboratively to develop a funding model for the state's baccalaureate institutions and a funding model for the state's community and technical colleges by October 31, 2020, so that such proposals can be presented by the Commission and the Council to the Legislature in time for its regular session of 2021; and, be it

Further Resolved, That the Commission and the Council shall engage with the four-year institutions and the community and technical colleges to seek to build consensus on the formulas and methodologies underlying any recommended funding models for the respective institutions.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4780, Permitting a school-based decision-making council to offer elective courses of instruction on the Bible,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4780 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to allowing county boards of education to offer students in grade nine or above an elective social studies course on Hebrew Scriptures, Old Testament of the Bible, New Testament of the Bible, or Hebrew Scriptures and New Testament of the Bible; setting forth the purposes of the course; permitting students to use a translation of their choice; requiring county board of education to submit to the West Virginia Department of Education the course standards, including the teacher qualifications and required professional development; and imposing requirements applicable to the course, the county board of education, and the State Board of Education,”

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. 4421, Natural Gas Liquids Economic Development Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4421 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1 and §5B-2J-2; and to amend said code by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, §11-13FF-9, and §11-13FF-10, all relating to the creation of the Natural Gas Liquids Economic Development Act and the West Virginia Natural Gas Liquids Property Tax Adjustment Act; providing for short titles; making legislative findings and declarations; defining terms; creating a tax credit for eligible taxpayers who are in business for the transportation and

storage of natural gas liquids; establishing eligibility requirements; defining the amount of the tax credit as being the amount paid yearly in West Virginia ad valorem property tax on inventory and equipment by an eligible taxpayer; providing for the application of the tax credit against personal income tax liability or the corporate net income tax liability; providing for the carrying forward of the tax credits; defining the tax credits' relationship to other available tax credits; providing for the expiration of unused tax credits; providing for annual schedules to be filed to claim the tax credit; providing for successors and transfers of the tax credit under certain conditions; providing for recapture of tax credits, interest, civil penalties, and additional taxes under certain conditions when a tax payer improperly claims a tax credit; providing a statute of limitations regarding tax filings with the tax credit; providing for reporting to the Legislature on the tax credits applied; authorizing the Tax Commissioner to promulgate rules; and providing for an effective date and an expiration date,"

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. 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

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. 4859, Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments,

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. 2149, Relating to the Farm-To-Food Bank Tax Credit,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for 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 30 percent of the value of the donated edible agricultural products when the value is \$2,500 or less,”

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. 4019, Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4019 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, §11-13FF-9, §11-13FF-10, §11-13FF-11, §11-13FF-12, §11-13FF-13, §11-13FF-14, §11-13FF-15, §11-13FF-16, §11-13FF-17, §11-13FF-18, §11-13FF-19, and §11-13FF-20, all relating generally to creating the Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020; providing for administration and

enforcement of act; providing a short title; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created; providing limitations and conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for determination and certification of the number of new jobs; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and specifying effective date.”

And,

H. B. 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4558 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6 and §11-13FF-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing definitions; providing nonrefundable tax

credit for a volunteer firefighter against personal income tax in a taxable year; providing for a tax credit limitation of \$1,000 for a single person; providing for a tax credit limitation of \$2,000 for persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing requirements for the documentation evidencing eligibility for the tax credit; providing that documentation must be sent to the Tax Commissioner; providing for rule-making authority; providing for reporting at certain time; and providing an effective date,”

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 concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

H. B. 4007, Born-Alive Abortion Survivors Protection Act.

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:

Com. Sub. for H. B. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page three, section three, line sixty-seven, by striking out the word “and” and inserting in lieu thereof the word “or”.

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. 244**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle, Fleischauer, Fluharty, Hanna, C. Martin, P. Martin, Pushkin, Rowe and Walker.

Absent and Not Voting: Rodighiero.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4026) 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

Com. Sub. for S. B. 6 - “A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of the Division of Highways to issue permits for certain tractors with certain trailers that do not exceed specified maximum axle weights”; 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. 204 - “A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2024; requiring a runoff election be held concurrently with the general election between the two highest vote getters in the nonpartisan election if no candidate receives a majority of votes

cast; and providing that after that, appointments to fill vacancies in office shall be nonpartisan”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

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. 652 - “A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing the School Building Authority to promulgate legislative rules; and authorizing School Building Authority rule relating to School Build Authority contracts and agreements, post-project evaluation, and suspension of right to bid”; 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 and requested the concurrence of the House of Delegates in the passage, of

S. B. 655 - “A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-1C-10a; to amend and reenact §11-3-24 and §11-3-25 of said code; and to amend reenact §11-10A-8 of said code, all relating to the valuation of natural resources property; providing an alternate method of appeal of proposed valuation natural resources property for ad valorem property tax purposes; and providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes”; 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. 686 - “A Bill to amend and reenact §24A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-2-5 of said code; and to amend and reenact §24A-3-2 and §24A-3-3 of said code, all relating to authorizing use of an emergency substitute motor carrier when certificate of necessity and convenience or contract carrier permit is suspended; defining terms; allowing emergency substitute carrier to operate as common carrier without certificate of necessity and convenience; authorizing Public Service Commission to suspend common carrier certificate of necessity and convenience and allow emergency service carrier to provide temporary replacement service; establishing procedure for seeking reinstatement of certificated service; prohibiting emergency service carrier from operating as a contract carrier except as authorized by Public Service Commission; allowing Public Service Commission to suspend contract carrier permit and authorize emergency substitute carrier to provide temporary replacement service; and establishing procedure for permit grantee to seek reinstatement of permit”; 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, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 719 - “A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to imposing a health care-related provider tax on certain health care organizations; and extending termination date”; 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. 740 - “A Bill to amend and reenact §18-10L-5 of the Code of West Virginia, 1931, as amended, relating to clarifying authorized uses of the Ron Yost Personal Assistance Services Fund”; 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. 747 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §16-1-20, relating to requiring the Bureau for Public Health to develop a Diabetes Action Plan”; which was referred to the Committee on Health and Human Resources.

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. 748 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, and §16-59-3, all relating to increasing awareness of palliative care services; defining terms; requiring the State Advisory Coalition on Palliative Care, in conjunction with the Bureau for Public Health, to develop education materials; and requiring the Office of Health Facilities Licensure and Certification to update and maintain database”; which was referred to the Committee on Health and Human Resources.

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. 767 - “A Bill to repeal §16-5B-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-5B-5a of said code, relating to the licensure of hospitals; allowing hospitals to use other accrediting organizations which have been

approved by the Centers for Medicare and Medicaid Services; and eliminating hospital board composition requirements”; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Delegates Storch, Hanshaw (Mr. Speaker), Anderson, Howell, Kessinger and Summers offered the following resolution, which was reported by the Clerk:

H. R. 13 - “Calling upon the Attorney General to investigate the business practices of Alecto.”

Whereas West Virginia hospitals are critical to improve the health of citizens while providing a significant level of services and economic benefits to their communities; and

Whereas, West Virginia hospitals also use their resources to reinvest in new models of care that go well beyond the traditional hospital walls, finding new ways to help improve the health of their communities from providing access to medical care for patients in rural areas to supporting cutting-edge medical research and innovations; and

Whereas, Alecto Health Care Services (Alecto) purchased Ohio Valley Medical Center in 2017; and

Whereas, When Alecto bought the hospital, it was part of a deliberate strategy to acquire facilities that were serving urgent needs to vulnerable populations. In a 2018 interview with Inside Healthcare magazine, Alecto founder Lex Reddy described the company’s modus operandi: “We often seek out communities that are underserved.” Alecto found “50 community-based hospitals that are critical to those communities and sustain them,” Reddy said. The hospitals serve “a lot of Medicaid and uninsured patients in its communities”; and

Whereas, While Alecto took the financial “risks,” the public was largely left to foot the bills. With Alecto’s purchase of OVMC, the city of Wheeling agreed to pay \$1.5 million for capital repairs and provide another \$1.5 million to demolish old buildings on the properties; and

Whereas, Alecto abruptly closed the Ohio Valley Medical Center September 3, 2019, leaving its employees and community fragmented; and

Whereas Alecto purchased Fairmont General Hospital in June 2014 for \$15.3 million after this hospital when into bankruptcy with intentions of serving urgent needs to rural populations; and

Whereas When Alecto demonstrated an interest in purchasing the assets of Fairmont General and taking over the operations of the hospital, it made a number of promises — and one of those was to continue with community-based health care in the Marion County region; and

Whereas, Alecto projected the hospital's bottom line will improve from a \$733,032 deficit during the first six months of 2014 to an \$8.2 million profit in 2017, according to certificate of need documents filed with the West Virginia Health Care Authority; and

Whereas, Alecto abruptly announced the closure of Fairmont Regional Medical Center on February 18, 2020, when some 600 physicians, nurses and other personnel were greeted with letters saying the hospital would be closing in 60 days; and

Whereas, Multiple solutions have been offered to assist Alecto which have fallen on deaf ears and cold hearts; and

Whereas, the Attorney General serves as the chief legal officer for the State of West Virginia and speaks for the legal interests of the state; and

Whereas, the Attorney General also is entrusted with enforcing the laws of the State as they related to consumer protection, unfair trade practices, civil rights, and other important areas; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates calls upon the Attorney General to immediately investigate the business practices of Alecto and determine whether it has violated state laws.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 13) to a committee was dispensed with, and it was taken up for immediate consideration, and then read by the Clerk.

The question 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. 245**), and there were—yeas 95, nays four, absent and not voting one, with the absent and not voting being as follows:

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 13) adopted.

Delegates Graves, Higginbotham, Caputo, Ellington, Bartlett, Nelson, Sypolt, Pack, Barnhart, Storch and Hanna offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 100 - “Requesting the Joint Standing Committee on Government and Finance study existing policies and programs available to assist working age individuals with disabilities in finding and maintaining employment in the general workforce, and whether an Employment First Policy would benefit the state by aligning available employment resources for these individuals.”

Whereas, According to the West Virginia Development Disability Council, 38 states have the Employment First Policy to address the lack of participation in the workforce by people with disabilities. Recent data shows that, in the United States, 37 percent of individuals with disabilities participate in the workforce, compared to 77 percent of those without disabilities; and

Whereas, Among all states, West Virginia ranked last in the percentage of individuals with disabilities employed at 26 percent and is also last in terms of individuals with cognitive disabilities employed, at 19 percent; and

Whereas, The end result of this data is that too many West Virginians with disabilities are living lives of poverty, highly dependent on public benefits, which impacts the quality of not only their own lives but the lives of their families, and the communities they live in; and

Whereas, The West Virginia Bureau for Behavioral Health has reported that 65 percent of individuals are served in facility-based and non-working settings, while only 18 percent of funding is going toward integrated employment; and

Whereas, Individuals with disabilities represent a major untapped labor force that can meet the needs of employers and businesses, and these individuals have the right to pursue the full range of available employment opportunities, and to earn a living wage in a job of their choosing, based on their talents, skills, and interests; and

Whereas, We have the benefit of incredible advancements in the knowledge and understanding of how even those with significant disabilities can become successfully employed, and, with the right job match and the right supports, individuals who were previously considered unemployable can be successful additions to the workplace; and

Whereas, An Employment First Policy recognizes that employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for working age individuals with disabilities. The policy could help West Virginia make a systematic effort to include individuals with disabilities in the workforce and align resources to support these individuals. Examples of supports include accommodations and assistive technology, assistance with managing the impact of earnings on public benefits, and assistance with transportation; and

Whereas, An Employment First Policy prioritizes competitive integrated employment for those with disabilities who need some type of publicly funded supports, but other services, such as nonwork day programs, could also be available; and

Whereas, Implementation of Employment First principles should be based on clear public policies and practices that ensure the employment of individuals with disabilities within the general workforce is a priority for public funding and service delivery, and should incorporate existing programs and services in the state that benefit and support West Virginians with disabilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Standing Committee on Government and Finance is hereby requested to study West Virginia's existing policies and programs available to assist working age individuals with disabilities in finding and maintaining employment in the general workforce, and whether an Employment First Policy would benefit the state by aligning available employment resources for these individuals; and, be it

Further Resolved, That the Joint Standing Committee on Finance report to the regular session of the Legislature, 2021, 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 Standing Committee on Finance.

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. 101 - "Requesting the Division of Highways name a portion of West Virginia Route 4 in Clay County, three miles west of its junction with West Virginia Route 16, the 'Claude Markle Hill'."

Whereas, William Claude Markle, born 1882 and deceased in 1962, was a native Clay Countian and West Virginian; and

Whereas, Claude Markle was a noted road builder in Clay, Webster, Boone, and Kanawha counties throughout the early 20th century, having helped greatly improve the infrastructure of the entire state through his hard work; and

Whereas, Some of those projects include, but are not limited to, the intersection of U.S. 119/36/4; Clay Junction, Rt. 16 and Widen Ridge, and other bridges, tunnels, and culverts; and

Whereas, William Claude Markle also worked nationwide on the Alaskan Railroad, Hoover Dam, and in Death Valley, Nevada; and

Whereas, In addition to Mr. Markle having been a road pioneer, William Claude Markle served for seven years on the Clay County Circuit Court, including a term as president; and

Whereas, William Claude Markle was a 32nd Degree Mason and Shriner; and

Whereas, It is fitting that an enduring memorial be established to commemorate William Claude Markle and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a portion of West Virginia Route 4 in Clay County, three miles west of its junction with West Virginia Route 16, the “Claude Markle Hill”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the section of road as the “Claude Markle Hill”; 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.

Petitions

Delegate Hansen presented a petition calling for a legislative study of creating a state bank of West Virginia, for the purpose of

investing in the people of West Virginia; which was referred to the Committee on Finance.

Motions

Delegate Robinson moved, under the provisions of House Rule 82, to discharge **H. B. 4418**, Relating to the Ryan Brown Fund, from the Committee on Finance.

On motion of Delegate Summers, the motion to discharge was laid upon the table.

Special Calendar

Third Reading

Com. Sub. for S. B. 209, Relating to annexation by minor boundary adjustment; 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. 246**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Doyle, Fleischauer, Kump, Paynter and Pushkin.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 209) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kump and Paynter.

Absent and Not Voting: Rodighiero.

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. 209) 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 S. B. 339, Authorizing DHHR promulgate legislative rules; 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. 248**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bartlett, Fast, Jennings, P. Martin, Paynter and Porterfield.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 339) 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:

Com. Sub. for S. B. 339 – “A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, 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 public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits;

authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care support program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—grower/processors; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—dispensaries; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and Human Resources; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 249**), 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, Jennings, P. Martin, Paynter and Porterfield.

Absent and Not Voting: Rodighiero.

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. 339) 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. 4001, Creating West Virginia Impact Fund; on second reading, coming up in regular order, with an amendment pending and the general right to amend, was reported by the Clerk.

On motion of Delegate Summers, the bill was postponed one day.

Com. Sub. for H. B. 4015, Relating to Broadband Enhancement and Expansion; 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. 250**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: 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. 4015) 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. 4039, Providing limitations on nuisance actions against fire department and emergency medical 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. 251**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Caputo and Longstreth.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4039) 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. 4155, Relating generally to the regulation of plumbers; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4422, The Patient Brokering 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. 252**), 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: 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. 4422) 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. 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear; 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. 253**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Dean and Paynter.

Absent and Not Voting: Anderson, Caputo and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4514) passed.

On motion of Delegate Atkinson, the title of the bill was amended to read as follows:

H. B. 4514 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §20-2-5j; and to amend and reenact §20-2-16 and §20-2-22a of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; permitting a hunter to use a dog handler of leashed dogs to track and locate mortally wounded deer or bear; requiring a hunter or dog handler to maintain physical control of a leashed dog used to track and locate mortally wounded deer or bear; requiring a hunter who uses a dog handler to accompany the dog handler; providing that only a hunter may kill a mortally wounded deer or bear; requiring a dog handler providing tracking services for profit to be licensed as an outfitter or guide;

prohibiting the use of dogs to hunt or chase deer; and setting forth how dogs caught chasing deer are to be handled.”

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 4529, Relating to the collection of assessments and the priority of liens on property within a resort 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. 254**), 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: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4529) 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. 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror; 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. 255**), 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: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4589) 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. 4593, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on Com. Sub. for H. B. 4593 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. 256**), 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: Anderson, Caputo, Hicks, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4593) 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. 4594, Allowing poll workers to be appointed to work in precincts outside their county; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on Com. Sub. for H. B. 4594 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. 257**), 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: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4594) 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. 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises; 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. 258**), and there were—yeas 85, nays 10, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Butler, Fast, D. Jeffries, Jennings, Mandt, Phillips, Porterfield and Worrell.

Absent and Not Voting: Anderson, Caputo, Rodighiero, Summers and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4697) 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. 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees; 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. 259**), 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: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4747) 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. 4749, Providing more efficient application processes for private investigators, security guards, and firms; 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. 260**), 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: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4749) 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. 4777, Relating to the right of disposition of remains; 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. 261**), 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: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4777) 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. 4864, Relating to performance reviews of state agencies and regulatory boards; 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. 262**), and there were—yeas 65, nays 31, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Miley, Miller, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaule, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4864) 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. 4865, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures; 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. 263**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Fluharty, Pushkin and Rowe.

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4865) 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. 4956, Relating generally to the partition of real 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. 264**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Capito, Foster, Graves, Hicks, Kessinger, Porterfield, Sponaugle, Steele, C. Thompson, Waxman and Wilson.

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4956) 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. 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 623, Allowing noncitizen of US be eligible for teaching certificate; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for H. B. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Kessinger, and by unanimous consent, the bill was advanced to third reading with the general right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

Com. Sub. for H. B. 3098, Allowing the same business owner to brew and sell beer to also distill and sell liquor; 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. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System; 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. 4408, Requiring the State Board of Education to develop and implement an online database for the employment of school principals; 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. 4452, Modifying the notice requirements for the redemption of delinquent properties; 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. 4474, Relating to peer-to-peer car sharing programs; 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. 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase; 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. 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals; 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. 4634, Southern West Virginia Lake Development Study Commission Act; on second reading, coming up in regular order, was read a second time.

Delegate Waxman moved to amend the bill on page three, section three, line seventeen, after the period, by inserting the following:

“The two research groups shall also investigate the economic growth potential that could result from the formation of one or

more Prosperity Districts in the southern coal field counties based on the Compact for America Prosperity State Initiative.”

And,

On page three, section three, line twenty-one, after the period, by inserting the following:

“The studies conducted pursuant to this section shall also examine how the formation of one or more Prosperity Districts could facilitate economic growth in the southern coal field counties, and shall at a minimum address tax, regulatory and property rights issues.”

Delegate Evans arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the purpose of the bill and the Gentleman’s point of order was well taken.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4645, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4737, Clarifying student eligibility for state-sponsored financial aid; 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. 4820, Relating to inventory of firearms owned by state agencies; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page forty-nine, section seven, line one hundred fifty-nine, after the word “hunts”, by striking out the word “and” and inserting a new subdivision (31) to read as follows:

“(31) Exempt designated sections within the Division of Natural Resources from the requirement that all payments must be deposited in a bank within 24 hours for amounts less than \$500 notwithstanding any other provisions of this code to the contrary: *Provided*, That such designated sections shall make a deposit in any amount no less than every seven working days; and”.

And by renumbering the remaining subdivision accordingly.

On motion of Delegate Howell, the bill was then amended on page fifty, section one, after line one hundred sixty-three, by inserting a new subdivision (32) to read as follows:

“(32) Cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties.”

The bill was then ordered to engrossment and third reading.

First Reading

The following bills on first reading, coming up in regular order, were read a first time and ordered to second reading:

Com. Sub. for S. B. 657, Allowing designation of tourism development districts,

Com. Sub. for H. B. 3127, Relating to the Secondary School Activities Commission and participation by home schooled students,

Com. Sub. for H. B. 4009, Relating to the process for involuntary hospitalization,

Com. Sub. for H. B. 4252, Authorizing miscellaneous agencies and boards to promulgate legislative rules,

Com. Sub. for H. B. 4388, Limiting the Alcohol Beverage Control Commissioner’s authority to restrict advertising,

Com. Sub. for H. B. 4530, Authorizing daily passenger rental car companies to charge reasonable administrative fees,

Com. Sub. for H. B. 4613, Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund,

Com. Sub. for H. B. 4626, West Virginia Development Achievements Transparency Act,

Com. Sub. for H. B. 4668, Creating the misdemeanor crime of trespass for entering a structure that has been condemned,

And,

Com. Sub. for H. B. 4748, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts.

Leaves of Absence

At the request of Delegate Kessinger, and by unanimous consent, leave of absence for the day was granted Delegate Rodighiero.

Delegate Robinson moved that the motion to discharge **H. B. 4418**, Relating to the Ryan Brown Fund, be taken from the table.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were (**Roll No. 265**), and there were—yeas 37, nays 57, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Skaff, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Anderson, Caputo, Evans, Rodighiero, Summers and Swartzmiller.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Zukoff during Remarks by Members
- Delegate C. Thompson during Remarks by Members
- Delegate Hansen during Remarks by Members
- Delegate Robinson during Remarks by Members
- Delegate Hornbuckle during Remarks by Members

In the absence of objection, the following Delegates were added as cosponsors of H. R. 13:

Delegates Angelucci, Azinger, Barrett, Bates, S. Brown, Capito, Caputo, Cowles, Diserio, Espinosa, Fast, Fleischauer, Fluharty, Hamrick, Hardy, Hartman, Hicks, Higginbotham, Hott, D. Kelly, Mandt, P. Martin, Miley, Miller, Nelson, Longstreth, Pack, Pethtel, Porterfield, Pushkin, Pyles, Queen, Robinson, Rohrbach, Rowan, Shott, Staggers, Sypolt, C. Thompson, Tomblin, Walker, Westfall, and Zukoff.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate Espinosa and Summers for H. B. 4899
- Delegate Porterfield for H. B. 4464, H. B. 4495 and H. B. 4791
- Delegate R. Thompson for H. B. 4705
- Delegate Steele for H. B. 4770

- Delegate Hanshaw (Mr. Speaker) for H. B. 4535

At 1:52 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 21, 2020.

Friday, February 21, 2020

FORTY-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 Thursday, February 20, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4613, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4485 and H. B. 4884, on First Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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. 554, Relating to termination, expiration, or cancellation of oil or natural gas leases,

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 the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 554) to the Committee on the Judiciary was abrogated.

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 Finance), which was read by its title, as follows:

By Delegates Doyle, Higginbotham, Jennings, Bartlett, Rohrbach, Toney, J. Kelly, Campbell, C. Thompson, R. Thompson and Hornbuckle:

H. B. 4967 - "A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system."

The Speaker referred the bill (H. B. 4967) to the Committee on Finance.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 2897, Relating to driving restrictions in school zones,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for 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 or whenever school zone flashing beacons are present and activated,"

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. 4665, Reducing the amount of rebate going to the Purchasing Improvement Fund,

And,

H. B. 4804, Relating to comprehensive systems of support for teacher and leader induction and professional growth,

And reports the same back with the recommendation that they each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Householder, Boggs, Pack, Storch, Pethtel, Espinosa, Hartman, Graves, Ellington and Criss:

H. B. 4966 - "A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend §11-13S-3 of said code, all relating generally to updating the North American Industry Classification System code references applicable to certain manufacturing activities that include the processing of raw natural gas or oil to recover or extract liquid hydrocarbons; and removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions."

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. 4639, Changing frequency of mandatory state inspections of motor vehicles,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4639 - “A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-16-4, §17C-16-5 and §17C-16-6 of said code, all relating to changing annual mandatory state inspections of antique motor vehicles and motorcycles, motor vehicles, trailers, semitrailers and pole trailers to mandatory inspections every two years; changing fee for inspection sticker from three to six dollars; changing fee for inspection from fourteen to seventeen dollars; and providing operative date of amendments,”

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. 4705, Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters,

And,

H. B. 4929, Relating to the administrative closing of stale or unprogressed estates,

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. 2478, Modifying the Fair Trade Practices Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for 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, relating to including “applicable taxes” to the definition of “cost” for retailers; and providing for treble damages, court costs, litigation costs, and attorney fees for filing a suit in bad faith,”

And,

H. B. 4717, Seizure and Forfeiture Reporting Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4717 - “A Bill to amend and reenact §60A-7-708 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 bookkeeping procedures and internal controls for seized or forfeited property under the West Virginia Contraband Forfeiture Act; providing for record keeping and accounting procedures; providing for a report to the State Auditor from law enforcement agencies; requiring the State Auditor establish a public website for reporting information; providing the State Auditor prepare and disseminate a yearly report; establishing that the State Auditor may perform a financial audit; requiring the State Auditor to conduct an audit when seizure of assets or expenditure of funds from seized assets exceeds a designated amount; permitting the State Auditor to charge a fee; requiring the State Auditor to notify a law enforcement agency for failure to report; providing the State Auditor may promulgate rules; establishing that reported information is subject to the W.Va. Freedom of Information Act; establishing an effective date; and providing that a court may seal records,”

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. 4953, Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities,

And reports the same back with the recommendation that it 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 (H. B. 4953) to the Committee on Finance was abrogated.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Hamrick, Canestraro, D. Kelly, Lovejoy, Miller, Shott, Nelson, Mandt, Fleischauer, Pushkin and Pyles:

H. B. 4958 - "A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931 as amended; to amend and reenact §17B-3-3a and §17B-3-3c of said code; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs; allowing court clerks to accept electronic payments, credit cards, cash, money orders, or certified checks; requiring magistrate, municipal, and circuit clerks to set up a payment plan if an individual signs an affidavit stating that he or she is unable to pay the court fines and costs imposed; requiring the Supreme Court of Appeals to generate forms; authorizing magistrate, municipal, and circuit clerks to assess late fees, to record a judgment lien for unpaid fines and costs in the county clerk's office, and to send a debt to collections; and allowing for previously suspended driver's licenses to be reinstated."

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. 4439, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4439 - "A Bill to amend and reenact §11-13EE-3 of the Code of West Virginia, 1931, as amended, relating to a coal severance tax rebate; clarifying the methodology for determining the eligibility for said rebate; clarifying methods of calculation for the amount of severance tax attributable to the increase in coal production at a mine due to new qualifying capital investments; providing that when the producer of the coal operates more than one mine in this state, or is a member of a controlled or affiliated group that operates one or more coal mines in this state, any rebate allowed is further limited to 80 percent of the state portion of the increase in the aggregate total amount of severance taxes paid in the rebate year when compared to the aggregate total amount of severance taxes paid in the base-year period; but, subject to the individual and aggregate severance tax limitations, a rebate up to the maximum rebate shall only be allowed if the aggregate total coal production tonnage in the rebate year is greater than the aggregate total coal production tonnage during the base-year period from all mines, including the mine where the qualifying investment was made, operated by the taxpayer or by members of the affiliated or controlled group in this state; and no rebate shall be allowed if the aggregate total coal production tonnage in the rebate year is less than the aggregate total coal production tonnage during the base-year period; making technical corrections regarding internal code references; and clarifying that calculations are to be made with totals before the allowance of any tax credits are applied in certain circumstances,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Maynard, Hill, Pack, Williams, Sponaugle, Boggs, Rowan, Pethel, Skaff, Barrett and Linville:

H. B. 4969 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6 and §11-13FF-7, all relating to providing a tax credit for the donation or sale of a vehicle to certain charitable organizations; defining terms; providing limitations; providing requirements; providing for applicability of as is provisions; providing rulemaking authority; requiring reporting; and providing effective date.”

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. 4497, Requiring an external defibrillator device at any secondary school athlete event,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4497 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to requiring the West Virginia Secondary School Activities Commission to require that an automated external defibrillator device, as well as a posted emergency action plan, be present on the school or event grounds during the duration of all extramural high school or middle school athletic events and practices under the control, supervision and regulation of the commission, and that all school sports personnel be trained in the use of the device; requiring that the automated external defibrillator device on the school or event grounds be located as close to the event or practice activity as is possible; requiring that rules be proposed for promulgation by the state board of education; and naming the law ‘The Alex Miller Law’,”

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary 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 Byrd, Shott, Capito, Queen, Mandt, Westfall, Phillips, D. Kelly, Pushkin, Fluharty and S. Brown:

H. B. 4968 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13ff-1, §11-13ff-2, §11-13ff-3, §11-13ff-4, §11-13ff-5, §11-13ff-6, §11-13ff-7, §11-13ff-8, §11-13ff-9, §11-13ff-10, §11-13ff-11, §11-13ff-12, §11-13ff-13, and to amend said code by adding thereto a new article, designated §11-13gg-1, §11-13gg-2, §11-13gg-3, §11-13gg-4, §11-13gg-5, §11-13gg-6, §11-13gg-7, §11-13gg-8, §11-13gg-9, §11-13gg-10, §11-13gg-11, §11-13gg-12 and §11-13gg-13, all relating to expanding the availability of new technology resources in the state to enhance opportunities for technology investment and availability; providing for tax credits for construction of fiber optics technologies in the state; providing for tax credits for certain information and technology companies that create jobs in the state; providing for rulemaking and other requirements, conditions and limitations relating to tax credits created herein.”

The Speaker referred the bill (H. B. 4968) 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. 4619, Approving plans proposed by electric utilities to install middle-mile broadband fiber,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4619 – “A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-1o, all to authorize the Public Service Commission to approve plans

proposed by electric utilities to install middle-mile broadband fiber and provide expedited cost recovery,”

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 refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

Com. Sub. for H. B. 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Weld, Takubo and Jeffries.

On motion of Delegate Summers, the House of Delegates agreed 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 Foster, Steele and N. Brown.

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

Com. Sub. for S. B. 163 - “A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted”; 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. 291 - “A Bill to repeal §33-15-4a of the Code of West Virginia, 1931, as amended; to repeal §33-16-3a of said code; to amend and reenact §5-16-7 of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend and reenact §33-24-4 of said code; to amend said code by adding thereto a new section, designated §33-24-7u; to amend and reenact §33-25-6 of said code; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date”; 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. 502 - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to methamphetamine; and amending criminal penalty.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 502) 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. 562 - “A Bill to amend and reenact §61-11-26 and §61-11-26a of the Code of West Virginia, 1931, as amended, all relating generally to expungement of certain criminal convictions; allowing a person seeking expungement of convictions in multiple counties to file the petition in his or her county of residence; clarifying that prosecuting attorneys in any county of conviction wherein expungement is sought be provided notice of petition; eliminating the requirement that the chief law-enforcement officer or head of a municipal law-enforcement agency where the offense for which expungement is sought be given notice where such agency was not the arresting agency; clarifying that Commissioner of Corrections be served with a copy of the petition for expungement if the petitioner was confined or imprisoned for the offense for which expungement is sought; clarifying that petitioner’s burden of proof as to convictions for which expungement is sought are the only convictions against him or her in the state; defining ‘expungement’; and directing that upon the granting of an order of expungement all public records other than those under court seal are moved and destroyed”; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

S. B. 610 - “A Bill to repeal §29-22B-327 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3 and §11-16-8 of said code; to amend and reenact §16A-6-3 of said code; to amend and reenact §29-22B-503, §29-22B-504, and §29-22B-512 of said code; to amend and reenact §60-1-5 of said code; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-7-4 and §60-7-5 of said code; and to amend and reenact §60-8-16 and §60-8-17 of said code, all relating to removing resident manager requirements; adding a manager requirement for West Virginia Alcohol Beverage Control Administration applicants and licensees; removing residency requirements for granting permits under the Medical Cannabis Act; and removing residency and United States citizenship requirements for the West Virginia Lottery”; 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. 692 - “A Bill to amend and reenact §62-3-8 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons charged with a felony offense or offenses are entitled to a separate trial as to their guilt or innocence upon moving therefor; and clarifying that the statutory right to a separate trial preempts any provisions of law or judicial rule to the contrary”; 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 Rules:

Com. Sub. for S. C. R. 19 - “Requesting the Division of Highways name bridge number 42-219/00-038.13 (42A139), locally known as Isner Creek Bridge, carrying US 219 over Isner Creek in Randolph County, the ‘U.S. Marine Corps LCPL Fred Michael Kerns Memorial Bridge’.”

Whereas, Fred Michael Kerns was born on October 15, 1948, in Weston, West Virginia, the son of Fred G. and Thelma Marie Glover Kerns; and

Whereas, Fred Michael Kerns was sworn into the United States Marine Corps after graduating from Buckhannon - Upshur High School in 1966, and commenced active duty in 1967; and

Whereas, On October 3, 1968, LCPL Fred Michael Kerns arrived in Vietnam, where he served as an air crewman aboard helicopters with Marine Light Attack Helicopter Squadron 167 (HML-167), Marine Air Group 16 (MAG-16), First Marine Air Wing, Third Marine Amphibious Force; and

Whereas, LCPL Fred Michael Kerns was killed on July 29, 1969, as a result of a nonhostile helicopter crash in Quam Nam Providence, South Vietnam; and

Whereas, LCPL Fred Michael Kerns was awarded the Air Medal, Combat Action Ribbon, Republic of Vietnam Campaign Medal, Vietnam Service Medal, National Defense Medal, Presidential Unit Citation, Vietnam Gallantry Cross Unit Citation, and Combat Aircrew Badge; and

Whereas, LCPL Fred Michael Kerns' name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 20W, Line 71; and

Whereas, LCPL Fred Michael Kerns was one of several hundred West Virginia residents, and one of over 17 Randolph County residents, to make the ultimate sacrifice for his country during the Vietnam War. He is buried at the Masonic Cemetery, Weston, West Virginia; and

Whereas, LCPL Fred Michael Kerns, on the date of his death, left his father Fred Kerns, his mother Thelma Kerns, and three brothers: Terry Lee, Alan William, and Stephen Craig Kerns; and

Whereas, It is fitting that an enduring memorial be established to commemorate LCPL Fred Michael Kerns and his contributions and sacrifice 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 42-219/00-038.13 (42A139), locally known as Isner Creek Bridge, carrying US 219 over Isner Creek in Randolph County, the “U.S. Marine Corps LCPL Fred Michael Kerns 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 LCPL Fred Michael Kerns 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. 27 - “Requesting the Joint Committee on Government and Finance to study ways to make the State Capitol building more handicap accessible.”

Whereas, For many years, the Legislature has attempted to assure the expansion of access to facilities, services, and programs to the handicapped as sound public policy; and

Whereas, There still exists ways to make the State Capitol more handicap accessible; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study ways to make the State Capitol building more handicap accessible; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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.

Resolutions Introduced

Delegates Shott, Pushkin, Caputo, Ellington, Williams, Fleischauer, Rowe, Wilson, Bibby, D. Jeffries, Hansen, Pyles, Skaff, Campbell, Estep-Burton, Cowles, Nelson and Byrd offered the following resolution, which was reported by the Clerk:

H. R. 14 - “Urging Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia.”

Whereas, The history of professional baseball in West Virginia, dates back more than a century from the Charleston Statesmen in 1910 through four Minor League Baseball teams today: the West Virginia Black Bears in Morgantown, the West Virginia Power in Charleston, the Bluefield Blue Jays and the Princeton Rays; and

Whereas, West Virginia’s four Minor Leagues Baseball teams – and others in surrounding states nearby, including the Hagerstown Suns – add to the quality of life for many people in West Virginia by providing access to live action, affordable family entertainment throughout the spring and summer months; and

Whereas, These four teams within West Virginia are engines of tourism, welcoming 226,000 fans to their games in 2019 and attracting thousands of visitors to come to West Virginia who might not otherwise visit our state from every other state in the nation and several other countries; and

Whereas, These first-time and repeat visitors include players and coaches, their families and friends, umpires and professional scouts, baseball professionals and avid fans of the game, and they stay in our hotels, eat in our restaurants, shop in our stores, visit our attractions and discover our state in ways they otherwise would never experience; and

Whereas, Minor League Baseball teams in West Virginia are small businesses that provide paychecks to dozens of full-time and hundreds of part-time employees in our state, form partnerships with hundreds of other West Virginia businesses, generate millions of dollars in economic impact and assist West Virginia charities and community organizations in raising several hundred thousand dollars every year; and

Whereas, A proposal from Major League Baseball seeks to eliminate 42 teams from its player development structure with Minor League Baseball and, if implemented, would jeopardize the future of professional baseball throughout West Virginia and in other nearby communities in neighboring states; therefore, be it

Resolved by the House of Delegates:

That the West Virginia Legislature hereby urges Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia and the benefits in tourism, job creation, quality of life and charitable assistance that our citizens and communities now enjoy because of Minor League Baseball in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of Major League Baseball.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 14) to a committee was dispensed with, and it was taken up for immediate consideration, and then read by the Clerk.

The question 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. 266**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 14) adopted.

Delegates Howell, Rowan, Kump, C. Martin, Butler, Hott, Staggers, Linville, Cowles, Householder and Sponaugle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 103 - “Requesting the Division of Highways name bridge number 29-046/00-029.27 (29A040), (39.44324, - 78.83744) locally known as Patterson Creek Bridge, carrying WV 46 over Patterson Creek in Mineral County, the ‘French & Indian War Veterans Memorial Bridge’.”

Whereas, Mineral County was home to French and Indian War Forts Sellers, Ashby and Cocke in the Patterson Creek valley. Ashby’s Fort still exists to this day and is now a tourist attraction and museum. These forts were ordered constructed by George Washington and manned by local Virginia Militias; and

Whereas, The French and Indian War was the North American phase of a worldwide conflict between Britain and France. In Europe the conflict was called the Seven Years’ War (1756–1763), but its Ohio Valley phase cannot be dated with such precision. Although commonly dated to 1754, the war may be said to have begun as early as 1752, when the French destruction of a pro-British Miami village in western Ohio helped to bring the Shawnees, Delawares, and other Ohio Native Americans into the French orbit. In 1753, the governor of Virginia dispatched the young George Washington to the upper Ohio to warn the French away from the valley. In 1754, Washington returned with troops to seize the region’s most strategic point, the Forks of the Ohio at modern Pittsburgh, defeated a French detachment, and was

defeated in turn when the French and their Indian allies forced his surrender at Fort Necessity on July 3, 1753. Shortly thereafter a Native American attack wiped out the first attempted white settlement in Tygart Valley near the Monongahela headwaters; and

Whereas, The Native Americans confronted the oncoming conflict with fear and resentment. Now dependent upon European manufactured goods, they appreciated the lower prices and better quality they got from British traders but recognized that the French posed less of a threat to their hunting grounds than the land-hungry Virginians and Pennsylvanians. The French thrust toward the Ohio, coupled with Virginia's land hunger and the official pacifism of Quaker Pennsylvania, left the Ohio Native Americans little choice but to join with the French; and

Whereas, British authorities dispatched Maj. Gen. Sir Edward Braddock and 1,400 regular troops to the Ohio frontier in 1755. Braddock accepted Virginia militia and supplies from Pennsylvania but arrogantly ignored colonial advice about how to fight in Indian country. He led his army into one of the worst defeats in frontier history when he blundered into a French and Indian ambush at the Battle of the Monongahela, near present Pittsburgh, on July 9, 1755. Braddock was killed, and other participants, such as Washington, Andrew Lewis, and a young teamster named Daniel Boone, barely managed to make their way back to the settlements. A general assault followed on the Virginia frontier by Shawnee, Delaware, and Mingo war parties. Settlers newly planted in the Greenbrier and upper New River valleys were killed, captured, or frightened back across the mountains, while the older settlements in the South Branch and Potomac valleys came under heavy assault. Here a minority of residents held their ground, backed by a chain of small forts that Washington organized in 1756; and

Whereas, Virginia's government responded to Braddock's defeat by raising an army of several hundred frontiersmen commanded by Andrew Lewis and joined by around 100 Cherokee warriors. Lewis's orders were to march toward the Ohio via "Sandy Creek" (the Big Sandy River) and destroy the Shawnee villages in southern Ohio. Disaster again followed. Ill-disciplined, poorly

supplied, and unlucky in the weather and scarcity of game they encountered, this Sandy Creek Expedition struggled forward for nearly a month in February–March 1756 before turning back in a state of near-starvation and mutiny; and

Whereas, The Western Virginia frontier remained open to assault until British regulars under Gen. John Forbes drove the French away from the Forks of the Ohio, present Pittsburgh, and established Fort Pitt there in 1758. This brought the Ohio Native Americans back under British influence, though occasional Indian raids into Virginia continued in 1759 and 1760. When defeats in Europe, India, and the Caribbean led the French to accept a general settlement in 1763, they agreed to give up all their North American territory. The astonished Native Americans, who did not consider themselves to have been conquered in battles fought far away in Canada and overseas, then confronted victorious British officials who to them seemed to have combined the imperious attitude of the French with the greed of the frontiersmen. The result was further native resistance, in an episode known to history as “Pontiac’s Rebellion,” when assaults again fell on the Greenbrier, Monongahela, and Potomac frontiers. Finally, in 1764, an uneasy peace settled over the Ohio Valley, though the basic issue of who would control the region remained unsettled; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 29-046/00-029.27 (29A040), (39.44324, -78.83744) locally known as Patterson Creek Bridge, carrying WV 46 over Patterson Creek in Mineral County, the “French & Indian War Veterans 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 “French & Indian War Veterans Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Delegates R. Thompson, Hicks, Rodighiero 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. 104 - "Requesting the Division of Highways name bridge number 50-037/13-001.96 (50A084), (38.18282, - 82.40174) locally known as Peter Cave Arch, carrying CR 37/13 over East Fork Twelvepole Creek in Wayne County, the 'Hercie Maynard Memorial Bridge'."

Whereas, Hercie Marie Maynard was a successful business owner, a Christian, a wife, mother and grandmother, and a person devoted to supporting her community, Cabwaylingo State Park and natural places in general; and

Whereas, Hercie Maynard, who was married to Donald Maynard, an army veteran, operated Hercie Transport, which was in business more than 30 years; and

Whereas, Hercie Maynard shared her abundance by donating more than \$100,000 to help others in need; and

Whereas, Hercie Transport frequently provided transportation for disaster supplies destined to emergencies at home and in other states; and

Whereas, Since the late 1930s the Maynard Family Annual Reunion has been held at Cabwaylingo State Park; and

Whereas, In recognition of Hercie Maynard's long-term support of Cabwaylingo State Park and her devotion to conservation of woodlands, the United States Forest Service planted at the park a living memorial tree, a pin oak, in her honor; and

Whereas, Hercie Maynard reserved 3,000 acres of virgin timber owned by the family to protect the timber from cutting and

to conserve the Wayne County forest and its wildlife in a natural state; and

Whereas, Hercie Maynard died April 8, 2008; and

Whereas, It is fitting that an enduring memorial be established to commemorate Hercie Maynard and her contributions to her community, 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 50-037/13-001.96 (50A084), (38.18282, -82.40174) locally known as Peter Cave Arch, carrying CR 37/13 over East Fork Twelvepole Creek in Wayne County, the “Hercie Maynard 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 “Hercie Maynard 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.

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. 4961 - “A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2020, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 4962 - “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, 2020, to the Public Service Commission, Consumer Advocate Fund, fund 8627, fiscal year 2020, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 4963 - “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, 2020, to the Department of Transportation, Division of Highways, A. James Manchin Fund, fund 8319, fiscal year 2020, organization 0803, and to the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2020, organization 0804, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 4964 - “A Bill supplementing and amending by adding a new appropriation of federal funds out of the Treasury to the Department of Transportation, fund 8831, fiscal year 2020, organization 0807, by supplementing, amending and adding a new appropriation for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 4965 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, by supplementing and amending the

appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

Special Calendar

Unfinished Business

H. C. R. 102, Requiring the development of funding formulas for West Virginia's public institutions of higher education; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Third Reading

S. B. 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state; 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. 267**), 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: Azinger, Doyle and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 573) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 268**), 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: Azinger, Doyle and Little.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 573) 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 S. B. 623, Allowing noncitizen of US be eligible for teaching certificate; 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. 269**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 623) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 270**), 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: Azinger, Little and Porterfield.

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. 623) 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. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder; on third reading, coming up in regular order, was read a third time.

Delegate Waxman requested to be excused from voting on Com. Sub. for H. B. 2321 under the provisions of House Rule 49 due to her son being a firefighter.

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.

Delegates Kessinger, Bibby, Steele, Linville, Nelson, Miller, J. Kelly, Jennings, Maynard, D. Jeffries and Angelucci also requested to be excused from voting on Com. Sub. for H. B. 2321 under the provisions of House Rule 49 due to similar circumstances and were not excused from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 271**), 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: Azinger, Little and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2321) 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. 3098, Allowing the same business owner to brew and sell beer to also distill and sell liquor; 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. 272**), and there were—yeas 83, nays 14, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bartlett, Butler, Cooper, Fast, D. Jeffries, Jennings, J. Kelly, Kump, Mandt, Pack, Rohrbach, Rowan, Toney and Worrell.

Absent and Not Voting: Azinger, Little and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3098) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

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Speaker Pro Tempore Cowles in the Chair

* * * * *

Com. Sub. for H. B. 4001, Creating West Virginia Impact Fund; on third reading, coming up in regular order, with an amendment pending and the general right to amend, was reported by the Clerk.

An amendment, offered by Delegates Householder and Bates, was reported by the Clerk.

Whereupon,

Delegate Householder obtained unanimous consent to withdraw the amendment.

An amendment, offered by Delegate Householder, was reported by the Clerk.

Whereupon,

Delegate Householder obtained unanimous consent to withdraw the amendment.

Speaker Pro Tempore Cowles announced that there were two strike and insert amendments and that the amendments would each be explained, with the understanding that the adoption of one would preclude consideration of the other.

Delegate Hanshaw moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 6E. WEST VIRGINIA IMPACT FUND.

§12-6E-1. Definitions.

As used in this article, unless a different meaning clearly appears from the context:

‘Approved investment’ means a proposed investment in a final project as approved by the Investment Committee.

‘Approved project proposal’ means a project proposal that has been approved by the Investment Committee.

‘Final project’ means the final project or investment product developed by a selected manager.

‘Investment Committee’ means the committee established in §12-6E-4 of this code.

‘Investment Management Board’ means the West Virginia Investment Management Board established under §12-6-1, *et seq.* of this code.

‘Mountaineer Impact Office’ means the agency and government instrumentality of the State of West Virginia established under §12-6E-6 of this code to implement, invest and administer the assets transferred from the West Virginia Impact Fund to the Investment Committee.

‘Project proposal’ means a proposal for a particular project identified by the Mountaineer Impact Office to implement the goal of the West Virginia Impact Fund described in §12-6E-3 of this code.

‘Selected manager’ means one or more asset or project managers selected by the Mountaineer Impact Office under §12-6E-6 of this code.

‘West Virginia Impact Fund’ means the fund established in §12-6E-2 of this code.

§12-6E-2. West Virginia Impact Fund.

(a) There is hereby created within the State Treasury a special revenue account, designated the ‘West Virginia Impact Fund’ to be administered by the Governor for the purposes set forth in this article.

(b) The fund shall consist of all moneys made available for the purposes of this article from any source, including, but not limited to, any moneys that may be appropriated and designated for those purposes by the Legislature; all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article; all gifts, grants, bequests or transfers made to the fund from any source; all interest or other return received from the Investment Committee’s deposits or investments, as provided by this article; and any other funds which the Investment Committee directs to be deposited into the fund. Expenditures from the fund shall be made by transfer to the Investment Committee solely for the purposes set forth in this article pursuant to resolution of the Investment Committee adopted under §12-6E-3 of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this article. The funds contained in the fund shall be available for appropriation by the legislature.

§12-6E-3. Purpose and goal; investment standards.

(a) The purpose of this article is to continue the efforts of this state to further economic development, infrastructure development, and job creation in the State of West Virginia for the public benefit. It is not the intent of this article that the state compete with private entities by investing in projects to further economic development, infrastructure development and job creation for the public benefit where private capital investment is available for that purpose, but where private capital is not available

for major investments to further that purpose, it is in the public interest that the state act to facilitate those major investments. To that end, it is necessary that the state provide the opportunity and support for major investments of capital in this state for projects that would not otherwise be expected to attract private investment in the usual course of business transactions without state sponsorship of and partnership in the investments. The establishment and functions of the West Virginia Impact Fund, the Investment Committee, and the Mountaineer Impact Office as provided in this article are intended to facilitate these investments.

(b) The assets of the West Virginia Impact Fund, upon transfer to the Investment Committee as provided by this article, may be:

(1) Invested in any final project presented by the Mountaineer Impact Office under this article that is approved by resolution of the Investment Committee that requires an aggregate investment of moneys in the project of not less than \$25 million by either the Investment Committee, as sole investor, or by the Investment Committee and one or more co-investors, public or private, with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia; and

(2) Expended by the Investment Committee in such amounts necessary to provide for the payment of expenses incurred in the administration of this article.

(c) The Mountaineer Impact Office shall identify specific project proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal of the West Virginia Impact Fund.

(d) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Investment Committee pursuant to §12-6E-6 of this code.

(e) When determining whether to approve a final project, the Investment Committee shall take into consideration:

(1) The ability of the project to leverage other sources of funding;

(2) Whether investment funding for the project from other sources, public or private, is available or could otherwise reasonably be expected to be available without the state's participation in the investment made under this article.

(3) The ability of the project to create or retain jobs, considering the number of jobs, the type of jobs, whether benefits are or will be paid, the type of benefits involved, and the compensation reasonably anticipated to be paid to persons filling new jobs or the compensation currently paid to persons whose jobs would be retained;

(4) Whether, and the extent to which, the project will promote economic development, infrastructure development, and job creation in the state; and

(5) Whether the project is in the best interest of the public.

(f) The Investment Committee may not approve a project or accept funding from or participation in any investment by a potential partner, investor, or entity when such approval or participation would violate the laws of the United States or the laws of the State of West Virginia, or where such approval or participation would provide aid or comfort to any designated enemy of the United States or the agent of any regime determined by the United States Government to be a narcotics trafficking, totalitarian, or other criminal regime.

§12-6E-4. Establishment of the Investment Committee; appointments; removal; vacancy; quorum.

(a) There is hereby created the Investment Committee, as an agency of the State of West Virginia, to manage the investment of the assets transferred to the Investment Committee from the West Virginia Impact Fund.

(b) The Investment Committee shall consist of seven voting members. The President of the Senate and the Speaker of the House of Delegates shall serve *ex officio* as non-voting members. The voting members shall consist of:

(1) The Governor and the Secretary of the Department of Commerce, or their designees shall serve as members of the Investment Committee. They shall serve by virtue of their office and are not entitled to compensation under the provisions of this article. The Governor and the Secretary of the Department of Commerce or their designees are subject to all duties, responsibilities and requirements of the provisions of this article, including, but not limited to, the provisions of paragraph (A), subdivision (2) of this subsection and subdivision (3) of this subsection.

(2)(A) Five members of the Investment Committee shall be appointed by the Governor, with the advice and consent of the Senate. The terms of the appointed members shall be three years, subject to the following: The initial appointment of one member shall be for a term of one year; the initial appointment of two members shall be for terms of two years; and the initial appointment of two members shall be for terms of three years. At the end of each member's term, the Governor may reappoint, or appoint a successor, who shall serve for a term ending on the thirty-first day of January in the third year following the year of his or her appointment. Except for vacancy appointments made pursuant to this paragraph, all subsequent appointments shall be for terms ending on the thirty-first day of January in the third year following the expiration of the prior term for the position to which the appointment is made. No more than three of the five appointed members may belong to the same political party. In the event of a vacancy among the trustees, the Governor shall promptly make an appointment to fill the unexpired term.

(B) The Governor may remove any appointed member in case of gross negligence or misfeasance and may declare that position vacant and may appoint a person for the vacancy as provided in this subsection. A removal by the Governor must be in writing and must state the reason for the removal. A member who is removed by the Governor may not participate in Investment Committee business and may not be counted for purposes of establishing a quorum after the member receives written notice of removal from the Governor.

(C) The appointed members may not hold any other state or federal office, position or employment, either elective or appointive, except as a member of the armed forces of either the United States or of this state or as a member of a governing board of an institution of higher education of this state, and must have recognized competence and experience in finance, investments, or other business management-related fields.

(3) Each appointed member is entitled to receive and, at the member's option, the Investment Committee shall pay to the member compensation in the amount of \$400 for each day on which the member attended a meeting of the Investment Committee. In addition, all appointed members shall receive reasonable and necessary expenses actually incurred in discharging member duties pursuant to this article.

(c) The Investment Committee may continue to act notwithstanding any vacancy.

(d) The presence of four voting members of the Investment Committee shall constitute a quorum for the exercise of any authority granted to the Investment Committee in this article. Action may be taken only upon affirmative vote of four voting members of the Investment Committee, which vote may be in person or in writing.

§12-6E-5. Powers and duties of Investment Committee; disclosure of interests; standard of care.

(a) The Investment Committee shall have the authority to (1) appoint the managing director of the Mountaineer Impact Office, (2) approve or disapprove project proposals, (3) approve or disapprove the negotiated terms of any proposed investment of funds held by the Investment Committee in any final project, (4) approve or disapprove of the managing director's appointment of employees and retention of consultants to carry out the duties of the Mountaineer Impact Office, (5) initiate the formation of legal entities with their own governance structure to facilitate the development of projects; and (6) participate in the formation of

legal entities with their own governance structure to facilitate the development of projects.

(b) The Investment Committee shall approve or disapprove project proposals and the negotiated terms of a proposed investment in any final project solely pursuant to its determination of whether the projects or the negotiated terms of the proposed investment in the final project meet the goal prescribed in §12-6E-3 of this code.

(c) The Investment Committee may, in its own right or through the Mountaineer Impact Office:

(1) Adopt and use a common seal and alter it at pleasure;

(2) Sue and be sued;

(3) Enter into contracts and execute and deliver instruments;

(4) Acquire (by purchase, gift or otherwise), hold, use and dispose of real and personal property, deeds, mortgages, and other instruments;

(5) Notwithstanding any other provision of law, retain and employ legal, accounting, financial and investment advisors, and consultants;

(6) Maintain accounts with banks, securities dealers, and financial institutions both within and outside this state;

(7) Exercise all powers generally granted to and exercised by the holders of investment securities with respect to management of the investment securities;

(8) Contract with one or more banking institutions in or outside the state for the custody, safekeeping and management of securities held by the committee;

(9) Make and, from time to time, amend and repeal bylaws, rules and procedures consistent with the provisions of this article;

(10) Hire its own employees, consultants, managers, and advisors as it considers necessary and fix their compensation and prescribe their duties;

(11) Develop, implement and maintain its own banking accounts and investments; and

(12) Do all things necessary to implement and operate the Investment Committee and the Mountaineer Impact Office and carry out the intent of this article;

(d) *Disclosure of interests.* — If a member of the Investment Committee acquires, owns, or controls an interest, direct or indirect, in any final project in which West Virginia Impact Fund assets are invested or proposed to be invested, the member shall immediately disclose the interest to the Investment Committee and shall be recused from voting on the matter in accordance with the provisions of the West Virginia Governmental Ethics Act. The disclosure is a matter of public record and shall be included in the minutes of the Investment Committee meeting next following the disclosure.

(e) *Standard of care.* — When making decisions, the Investment Committee shall exercise the judgment and care under the circumstances then prevailing that an institutional investor of ordinary prudence, discretion, and intelligence exercises in the designation and management of large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of funds, considering preservation of the purchasing power of the West Virginia Impact Fund over time, while maximizing the expected total return from both income and the appreciation of capital and accomplishing the goal of the West Virginia Impact Fund as set forth in §12-6E-3 of this code.

§12-6E-6. Establishment of the Mountaineer Impact Office; managing director; project proposals; monitoring performance; consultation with Investment Management Board; insurance.

(a) There is hereby created the Mountaineer Impact Office. The Mountaineer Impact Office is an agency and instrumentality of the State of West Virginia managed by the Investment

Committee. The purpose of the Mountaineer Impact Office is to implement, invest and administer the assets transferred to the Investment Committee from the West Virginia Impact Fund.

(b) The Investment Committee shall appoint a managing director, as a state employee, to manage the affairs of the Mountaineer Impact Office. The managing director shall have a strong background in business and significant experience in investments and the development of projects.

(c) The salary of the managing director is not restricted by state compensation rules but shall be determined by the Governor in accordance with customary salaries for officers and directors with similar responsibilities and experience in the private sector.

(d) The managing director may, with the approval of the Investment Committee, appoint permanent or temporary employees and/or retain consultants to carry out the duties of the Mountaineer Impact Office. An employee of the Mountaineer Impact Office, including the managing director, may not be a member of the Investment Committee.

(e) The Mountaineer Impact Office shall identify specific proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal prescribed in §12-6E-3 of this code.

(f) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Investment Committee.

(g) The Mountaineer Impact Office shall establish a procurement process for selecting one or more selected managers to develop final projects in accordance with each approved project proposal. This procurement process shall be streamlined and efficient and is not required to comply with §5A-3-1 *et seq.* of this code. Pursuant to the procurement process, the Mountaineer Impact Office shall identify, procure and enter into a non-binding memorandum of understanding with a selected manager to develop a final project in accordance with each approved project proposal.

(h) The Mountaineer Impact Office shall, with the selected manager, negotiate the terms and amount of any proposed investment of funds held by the Investment Committee in any final project.

(i) The Mountaineer Impact Office shall present such final negotiated terms and amount of a proposed investment in a final project for approval or disapproval to the Investment Committee, together with any disclosures of conflicts of interest in the proposed investment as required pursuant to §12-6E-5(d) of this code.

(j) The Mountaineer Impact Office shall monitor the qualitative and quantitative performance of each approved investment on an ongoing basis, with respect to the goal of investments prescribed in §12-6E-3 of this code, including without limitation, the exit and termination of each approved investment.

(k) The Mountaineer Impact Office may consult the Investment Management Board about investments made or proposed under this article.

(l) The Mountaineer Impact Office may exercise all powers necessary or appropriate to carry out the duties or responsibilities conferred upon it by law or the Investment Committee under the provisions of this article.

(m) The Mountaineer Impact Office shall procure and maintain in effect, for the benefit of the members of the Investment Committee, commercially customary property, liability, crime, and other insurance to cover risks of loss from the operations of the Investment Committee. The types and amounts of the insurance coverages shall be determined by the Mountaineer Impact Office, from time to time, in its reasonable discretion, with reference to the types and amounts of insurance coverages purchased or maintained by other public institutions performing functions similar to those performed by the Investment Committee, and in an amount of not less than \$10 million. The Investment Committee may require that appropriate types and amounts of insurance be procured and maintained by, or a fiduciary or surety bond from a surety company qualified to do business in this state for, any person who has charge

of, or access to, any securities, funds or other moneys held by the Investment Committee and the amount of the fiduciary or surety bond shall be fixed by the Investment Committee. The premiums payable on any insurance or fiduciary or surety bonds that the Committee may require, from time to time, shall be an expense of the Committee.

§12-6E-7. Computation of income; audits; annual report.

(a) The Mountaineer Impact Office shall cause the income from investments made by the Investment Committee to be deposited back into the West Virginia Impact Fund, net of amounts determined by the Investment Committee to be necessary to provide for the payment of expenses incurred in the administration of this article.

(b) The Mountaineer Impact Office shall compute the net income of the Investment Committee's investments annually as of the last day of the fiscal year in accordance with generally accepted accounting principles, excluding any unrealized gains or losses.

(c) The Mountaineer Impact Office shall annually cause combined annual financial and compliance audits of the assets in the West Virginia Impact Fund, and of the moneys transferred to and held by the Investment Committee, to be made by a certified public accounting firm which has a minimum staff of ten certified public accountants and which is a member of the American institute of certified public accountants and, if doing business in West Virginia, a member of the West Virginia society of certified public accountants. The Mountaineer Impact Office shall cause copies of the audits report to be furnished to the Governor, State Treasurer, State Auditor, President of the Senate, and the Speaker of the House of Delegates.

(d) By December 1 of each year, the Mountaineer Impact Office shall publish a report of the Investment Committee investments for distribution to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the public. The Mountaineer Impact Office shall notify the Legislature that the report is available and otherwise comply with §4-1-23 and §5-1-20 of this code.

(e) The report published pursuant to subsection (d) of this section must include financial statements audited by independent outside auditors, a statement of the amount of money received by the Investment Committee and the West Virginia Impact Fund from each investment during the period covered, a statement of investments by the Investment Committee, including an appraisal at market value, a description of investment activities during the period covered by the report, a comparison of the investment performance with the intended goal contained in §12-6E-3 of this code and any other information the Mountaineer Impact Office determines would be in the public interest upon which the efforts of the Investment Committee and the Mountaineer Impact Office to meet the goals and objectives of this article may be measured.

(f) The reports described in this section shall be public record.

§12-6E-8. Role of the Investment Management Board; immunity from liability.

The Investment Committee or the Mountaineer Impact Office may consult the Investment Management Board regarding their activities. To the extent the Investment Management Board determines that to do so is not inconsistent with its duties and responsibilities imposed by this code, it may consult with Investment Committee or the Mountaineer Impact Office regarding those activities. The Investment Management Board's trustees, advisors, officers and employees are not liable personally, either jointly or severally, for any debt or obligation created by the Investment Committee or the Mountaineer Impact Office, nor shall the Investment Management Board or its trustees, advisors, officers or employees be liable for any consultative advice, guidance or services that it may provide from time to time under this article.

§12-6E-9. Immunities of Investment Committee and Mountaineer Impact Office; exemptions.

(a) The doctrine and principles of sovereign immunity extend to the West Virginia Impact Fund, the Mountaineer Impact Office, the Investment Committee and their operations.

(b) The members, advisors, officers, and employees of the Investment Committee and the Mountaineer Impact Office are not liable personally, either jointly or severally, for any debt or obligation created by the Investment Committee or the Mountaineer Impact Office: *Provided*, That the members, advisors, officers, and employees are liable for acts of misfeasance or gross negligence.

(c) The assets held by the Investment Committee in any account are exempt from all taxes and assessments in the State of West Virginia. All security instruments issued by the Investment Committee or the Mountaineer Impact Office, their transfer, and their income are exempt from all taxes and assessments in the State of West Virginia. No provision of this section may be construed to exempt from taxation any property, real or personal, that may be owned or otherwise held as a result of an investment made under this article. No provision of this section may be construed to exempt from taxation any income or other return derived by any entity other than the state as the result of an investment made under this article. No provision of this section may be construed to exempt from taxation any business activities resulting from an investment made under this article.

§12-6E-10. Political activities.

The resources of the West Virginia Impact Fund, the Investment Committee and the Mountaineer Impact Office may not be used to finance or influence political activities.

§12-6E-11. Confidential information.

The reports described in §12-6E-7 of this code shall be public record. If the standard confidentiality agreements, policies or procedures of a private enterprise or investor with which an investment in a project is proposed or made prohibit, restrict or limit the disclosure of information pertaining to the investment, the information is confidential and shall not form part of the public record and is exempt from disclosure under the provisions of chapter twenty-nine-b of this code. Such information may be publicly disclosed only for the purposes of an official law

enforcement investigation or when its production is required in a court proceeding.”

Following the explanation of the amendment by Delegate Hanshaw (Mr. Speaker), Delegate Butler explained an amendment offered by Delegates Wilson, Waxman, Butler and Barnhart, amending the bill by striking out everything after the enacting clause and inserting the following:

“ARTICLE 6E. WEST VIRGINIA IMPACT FUND.

§12-6E-1. Definitions.

As used in this article, unless a different meaning clearly appears from the context:

‘Approved investment’ means a proposed investment in a final project as approved by the Board of Private Investors.

‘Approved project proposal’ means a project proposal that has been approved by the Board of Private Investors.

‘Final project’ means the final project or investment product developed by a selected manager.

‘Board of Private Investors’ means the board established in §12-6E-4 of this code.

‘Mountaineer Impact Office’ means the agency of the Board of Private Investors established under §12-6E-6 of this code to implement, invest and administer the assets transferred from the West Virginia Impact Fund as determined by the Board of Private Investors.

‘Project proposal’ means a proposal for a particular project identified by the Board of Private Investors to implement the goal of the West Virginia Impact Fund described in §12-6E-3 of this code.

‘Member Investor’ means the entities who invest in the West Virginia Impact Fund.

‘Selected manager’ means one or more asset or project managers selected by the Mountaineer Impact Office under §12-6E-6 of this code.

‘West Virginia Impact Fund’ means the fund established in §12-6E-2 of this code.

§12-6E-2. West Virginia Impact Fund.

(a) There is hereby created within the State Treasury a special revenue account, designated the ‘West Virginia Impact Fund’ to be administered by the Director of the Mountaineer Impact Office at the direction of the Board of Private Investors.

(b) The fund shall consist of all moneys made available for the purposes of this article from any source, specifically to exclude appropriations of the Legislature and, or, any other public funds; all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article; all gifts, grants, bequests or transfers made to the fund from any source; all interest or other return received from the Board of Private Investors deposits or investments, as provided by this article; and any other funds which the Board of Private Investors directs to be deposited into the fund. Expenditures from the fund shall be made by transfer to the Board of Private Investors solely for the purposes set forth in this article pursuant to resolution of the Board of Private Investors adopted under §12-6E-3 of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this article.

§12-6E-3. Purpose and goal; investment standards.

(a) The purpose of this article is to continue the efforts of this state to further economic development, infrastructure development, and job creation in the State of West Virginia for the public benefit. It is not the intent of this article that the state compete with private entities by investing in projects to further

economic development, infrastructure development and job creation for the public benefit where private capital investment is available for that purpose, but where private capital is not available for major investments to further that purpose, it is in the public interest that the state act to facilitate those major investments. To that end, it is necessary that the state provide the opportunity and support for major investments of capital in this state for projects that would not otherwise be expected to attract private investment in the usual course of business transactions without the structure to facilitate these investments. The establishment and functions of the West Virginia Impact Fund, the Board of Private Investors, and the Mountaineer Impact Office as provided in this article are intended to facilitate these investments.

(b) The assets of the West Virginia Impact Fund, upon transfer to the Private Investors Board as provided by this article, shall be:

(1) Invested in any final project presented by the Mountaineer Impact Office under this article that is approved by resolution of the Board of Private Investors that requires an aggregate investment of moneys in the project of not less than \$25 million by either the Board of Private Investors, as sole investor, or by the Board of Private Investors and one or more co-investors with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia; and

(2) Expended by the Board of Private Investors in such amounts necessary to provide for the payment of expenses incurred in the administration of this article.

(c) The Mountaineer Impact Office shall identify specific project proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal of the West Virginia Impact Fund.

(d) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Board of Private Investors pursuant to §12-6E-6 of this code.

(e) When determining whether to approve a final project, the Board of Private Investors shall take into consideration:

(1) The ability of the project to leverage other sources of funding;

(2) Whether investment funding for the project from other sources is available or could otherwise reasonably be expected to be available without participation in this program.

(3) The ability of the project to create or retain jobs, considering the number of jobs, the type of jobs, whether benefits are or will be paid, the type of benefits involved, and the compensation reasonably anticipated to be paid to persons filling new jobs or the compensation currently paid to persons whose jobs would be retained;

(4) Whether, and the extent to which, the project will promote economic development, infrastructure development, and job creation in the state; and

(5) Whether the project is in the best interest of the public.

§12-6E-4. Establishment of the Board of Private Investors; appointments; removal; vacancy; quorum.

(a) There is hereby created the Board of Private Investors, as an agency in the State of West Virginia, to manage the investment of the assets transferred to the Board of Private Investors from the West Virginia Impact Fund.

(b) The Board of Private Investors manages the investments of the Member Investors. Board of Private Investors members are required to be citizens of the United States selected by Member Investors to represent them. The total number of Board of Private Investors members shall be an odd number not to exceed eleven. The representation allotted to each Member Investor shall be commensurate with the amount of that Member Investor's investment as a percentage of the total amount invested in the Mountaineer Impact Fund. The Governor, or his designated representative, the President of the Senate, and the Speaker of the

House of Delegates shall serve ex officio as non-voting members of the Board of Private Investors. Notwithstanding their non-voting status the ex officio members retain veto power over all Board of Private Investors decisions when any two agree to the veto. The ex officio members shall veto any decision of the Board of Private Investors that is contrary to United States or West Virginia law, or that provides aid or comfort to any designated enemy of the United States or the agents of any regime determined by the United States Government to be a narcotics trafficking, totalitarian or other criminal regime. The Board of Private Investors has the right of appeal any veto to the Joint Committee on Government and Finance. Upon appeal, the Senate President and the Speaker of the House shall assemble the committee and make a final determination.

(c) No individual voting member of the Board of Private Investors may hold any other state or federal office, position or employment either elective or appointive and must have recognized competence and experience in finance, investments, or other business management-related fields.

(3) The Board of Private Investors may continue to act notwithstanding any vacancy.

(c) The presence of three-fourths of the members of the Board of Private Investors shall constitute a quorum for the exercise of any authority granted in this article to the Board of Private Investors. Action may be taken only upon affirmative vote of four voting members of the Board of Private Investors, which vote may be in person or in writing. Any change to the structure, purpose, personnel, rules, or operation parameters of the Board of Private Investors must be approved through the Legislative rule-making process, pursuant to §29A-3-1 *et seq.* of this code, with a minimum of two-thirds of the members present voting in favor of the proposed change.

§12-6E-5. Powers and duties of Board of Private Investors; disclosure of interests; standard of care.

(a) The Board of Private Investors shall have the authority to (1) appoint the managing director of the Mountaineer Impact Office, (2) approve or disapprove project proposals, (3) approve or

disapprove the negotiated terms of any proposed investment of funds held by the Board of Private Investors in any final project, and (4) approve or disapprove of the managing director's appointment of employees and retention of consultants to carry out the duties of the Mountaineer Impact Office.

(b) The Board of Private Investors shall approve or disapprove project proposals and the negotiated terms of a proposed investment in any final project solely pursuant to its determination of whether the projects or the negotiated terms of the proposed investment in the final project meet the goal prescribed in §12-6E-3 of this code. The Board of Private Investors shall not approve any proposal that is contrary to United States federal or West Virginia law, or that provides aid or comfort to any designated enemy of the United States of America or the agent of any regime determined by the United States Government to be a narcotics trafficking, totalitarian, or other criminal regime.

(c) The Board of Private Investors may, in its own right or through the Mountaineer Impact Office:

(1) Adopt and use a common seal and alter it at pleasure;

(2) Sue and be sued;

(3) Enter into contracts and execute and deliver instruments;

(4) Acquire (by purchase, gift or otherwise), hold, use and dispose of real and personal property, deeds, mortgages, and other instruments;

(5) Notwithstanding any other provision of law, retain and employ legal, accounting, financial and investment advisors, and consultants;

(6) Maintain accounts with banks, securities dealers, and financial institutions both within and outside this state;

(7) Exercise all powers generally granted to and exercised by the holders of investment securities with respect to management of the investment securities;

(8) Contract with one or more banking institutions in or outside the state for the custody, safekeeping and management of securities held by the committee;

(9) Make and, from time to time, amend and repeal bylaws, rules and procedures consistent with the provisions of this article;

(10) Hire its own employees, consultants, managers, and advisors as it considers necessary and fix their compensation and prescribe their duties;

(11) Develop, implement and maintain its own banking accounts and investments; and

(12) Do all things necessary to implement and operate the Board of Private Investors and the Mountaineer Impact Office and carry out the intent of this article;

(d) *Disclosure of interests.* - If a member of the Board of Private Investors acquires, owns, or controls an interest, direct or indirect, in any final project in which West Virginia Impact Fund assets are invested or proposed to be invested, the member shall immediately disclose the interest to the Board of Private Investors and shall be recused from voting on the matter in accordance with the provisions of the West Virginia Governmental Ethics Act. The disclosure is a matter of public record and shall be included in the minutes of the Board of Private Investors meeting next following the disclosure.

(e) *Standard of care.* - When making decisions, the Board of Private Investors shall exercise the judgment and care under the circumstances then prevailing that an institutional investor of ordinary prudence, discretion, and intelligence exercises in the designation and management of large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of funds, considering preservation of the purchasing power of the West Virginia Impact Fund over time, while maximizing the expected total return from both income and the appreciation of capital and accomplishing the goal of the West Virginia Impact Fund as set forth in §12-6E-3 of this code.

§12-6E-6. Establishment of the Mountaineer Impact Office; managing director; project proposals; monitoring performance; consultation with Investment Management Board; insurance.

(a) There is hereby created the Mountaineer Impact Office. The Mountaineer Impact Office is an agency and instrumentality of the State of West Virginia managed by the Board of Private Investors. The purpose of the Mountaineer Impact Office is to implement, invest and administer the assets transferred to the Board of Private Investors from the West Virginia Impact Fund.

(b) The Board of Private Investors shall appoint a managing director, as a state employee, to manage the affairs of the Mountaineer Impact Office. The managing director shall have a strong background in business and significant experience in investments and the development of projects.

(c) The salary of the managing director is not restricted by state compensation rules but shall be determined by the Governor in accordance with customary salaries for officers and directors with similar responsibilities and experience in the private sector.

(d) The managing director may, with the approval of the Board of Private Investors, appoint permanent or temporary employees and/or retain consultants to carry out the duties of the Mountaineer Impact Office. An employee of the Mountaineer Impact Office, including the managing director, may not be a member of the Board of Private Investors.

(e) The Mountaineer Impact Office shall identify specific proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal prescribed in §12-6E-3 of this code.

(f) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Board of Private Investors.

(g) The Mountaineer Impact Office shall establish a procurement process for selecting one or more selected managers

to develop final projects in accordance with each approved project proposal. This procurement process shall be streamlined and efficient and is not required to comply with §5A-3-1 et seq. of this code. Pursuant to the procurement process, the Mountaineer Impact Office shall identify, procure and enter into a non-binding memorandum of understanding with a selected manager to develop a final project in accordance with each approved project proposal.

(h) The Mountaineer Impact Office shall, with the selected manager, negotiate the terms and amount of any proposed investment of funds held by the Board of Private Investors in any final project.

(i) The Mountaineer Impact Office shall present such final negotiated terms and amount of a proposed investment in a final project for approval or disapproval to the Board of Private Investors, together with any disclosures of conflicts of interest in the proposed investment as required pursuant to §12-6E-5(d) of this code.

(j) The Mountaineer Impact Office shall monitor the qualitative and quantitative performance of each approved investment on an ongoing basis, with respect to the goal of investments prescribed in §12-6E-3 of this code, including without limitation, the exit and termination of each approved investment.

(k) The Mountaineer Impact Office may consult the Investment Management Board about investments made or proposed under this article.

(l) The Mountaineer Impact Office may exercise all powers necessary or appropriate to carry out the duties or responsibilities conferred upon it by law or the Board of Private Investors under the provisions of this article.

(m) The Mountaineer Impact Office shall procure and maintain in effect, for the benefit of the members of the Board of Private Investors, commercially customary property, liability, crime, and other insurance to cover risks of loss from the operations of the Board of Private Investors. The types and amounts of the insurance

coverages shall be determined by the Mountaineer Impact Office, from time to time, in its reasonable discretion, with reference to the types and amounts of insurance coverages purchased or maintained by other public institutions performing functions similar to those performed by the Board of Private Investors, and in an amount of not less than \$10 million. The Board of Private Investors may require that appropriate types and amounts of insurance be procured and maintained by, or a fiduciary or surety bond from a surety company qualified to do business in this state for, any person who has charge of, or access to, any securities, funds or other moneys held by the Board of Private Investors and the amount of the fiduciary or surety bond shall be fixed by the Board of Private Investors. The premiums payable on any insurance or fiduciary or surety bonds that the Committee may require, from time to time, shall be an expense of the Committee.

§12-6E-7. Computation of income; audits; annual report.

(a) The Mountaineer Impact Office shall cause the income from investments made by the Board of Private Investors to be deposited back into the West Virginia Impact Fund, net of amounts determined by the Board of Private Investors to be necessary to provide for the payment of expenses incurred in the administration of this article.

(b) The Mountaineer Impact Office shall compute the net income of the Board of Private Investors's investments annually as of the last day of the fiscal year in accordance with generally accepted accounting principles, excluding any unrealized gains or losses.

(c) The Mountaineer Impact Office shall annually cause combined annual financial and compliance audits of the assets in the West Virginia Impact Fund, and of the moneys transferred to and held by the Board of Private Investors, to be made by a certified public accounting firm which has a minimum staff of ten certified public accountants and which is a member of the American institute of certified public accountants and, if doing business in West Virginia, a member of the West Virginia society of certified

public accountants. The Mountaineer Impact Office shall cause copies of the audits report to be furnished to the Governor, State Treasurer, State Auditor, President of the Senate, and the Speaker of the House of Delegates.

(d) By December 1 of each year, the Mountaineer Impact Office shall publish a report of the Board of Private Investors investments for distribution to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the public. The Mountaineer Impact Office shall notify the Legislature that the report is available and otherwise comply with §4-1-23 and §5-1-20 of this code.

(e) The report published pursuant to subsection (d) of this section must include financial statements audited by independent outside auditors, a statement of the amount of money received by the Board of Private Investors and the West Virginia Impact Fund from each investment during the period covered, a statement of investments by the Board of Private Investors, including an appraisal at market value, a description of investment activities during the period covered by the report, a comparison of the investment performance with the intended goal contained in §12-6E-3 of this code and any other information the Mountaineer Impact Office determines would be in the public interest upon which the efforts of the Board of Private Investors and the Mountaineer Impact Office to meet the goals and objectives of this article may be measured.

(f) The reports described in this section shall be public record.

§12-6E-8. Role of the Investment Management Board.

The Board of Private Investors or the Mountaineer Impact Office may consult the Investment Management Board regarding their activities. To the extent the Investment Management Board determines that to do so is not inconsistent with its duties and responsibilities imposed by this code, it may consult with Board of Private Investors or the Mountaineer Impact Office regarding those activities.

§12-6E-9. Immunities and exemptions.

(a) The doctrine and principles of sovereign immunity extend to the West Virginia Impact Fund, the Mountaineer Impact Office, the Board of Private Investors and their operations.

(b) The members, advisors, officers, and employees of the Board of Private Investors, the Mountaineer Impact Office and the Investment Management Board are not liable personally, either jointly or severally, for any debt or obligation created by the Board of Private Investors or the Mountaineer Impact Office: *Provided*, That the members, advisors, officers, and employees are liable for acts of misfeasance or gross negligence.

(c) The assets held by the Board of Private Investors in any account are exempt from all taxes and assessments in the State of West Virginia. All security instruments issued by the Board of Private Investors or the Mountaineer Impact Office, their transfer, and their income are exempt from all taxes and assessments in the State of West Virginia.

§12-6E-10. Political activities.

The resources of the West Virginia Impact Fund, the Board of Private Investors and the Mountaineer Impact Office may not be used to finance or influence political activities.

§12-6E-11. Confidential information.

The reports described in §12-6E-7 of this code shall be public record. If the standard confidentiality agreements, policies or procedures of a private enterprise or investor with which an investment in a project is proposed or made prohibit, restrict or limit the disclosure of information pertaining to the investment, the information is confidential and shall not form part of the public record and is exempt from disclosure under the provisions of chapter twenty-nine-b of this code. Such information may be publicly disclosed only for the purposes of an official law enforcement investigation or when its production is required in a court proceeding.”

The House then proceeded to consider amendments to the amendment offered by Delegate Hanshaw (Mr. Speaker).

Delegates Wilson, Waxman, Butler and Barnhart moved to amend the amendment on page four, section three, line forty-seven, following the words “narcotics trafficking.” by inserting the words “human trafficking, sponsor of terrorism.”.

The question being on the adoption of the amendment to the amendment, the same was put and prevailed.

Delegates Wilson, Waxman, Butler and Barnhart moved to amend the amendment on page six, section four, line forty-six, following the words “in writing.” by inserting the words “Any change to the structure, purpose, personnel, rules, or operating parameters of the Investment Committee must be approved through the Legislative Rule Making Process with a minimum of two-thirds of the members present voting in favor of the proposed change.”

Whereupon,

Delegate Wilson asked and obtained unanimous consent to reform the amendment, as follows:

On page six, section four, line forty-six, following the words “in writing.” by inserting the words “Any change to the structure, purpose, personnel, rules, or operating parameters of the Investment Committee must be approved through the Legislative Rule Making Process with a minimum of two-thirds of the members of each house present voting in favor of the proposed change.”

On the adoption of the amendment to the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 273**), and there were—yeas 7, nays 90, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barnhart, Bibby, Butler, P. Martin, Paynter, Waxman and Wilson.

Absent and Not Voting: Azinger, Little and Stagers.

So, a majority of the members present and voting not having voted in the affirmative, the amendment to the amendment was rejected.

An amendment, offered by Delegates Wilson, Waxman, Butler, Bibby and Barnhart, was reported by the Clerk.

Whereupon,

Delegate Wilson obtained unanimous consent to withdraw the amendment.

On motion of Delegate Miley, the amendment was amended on page thirteen, section ten, line one, prior to the beginning of the sentence by inserting the subsection designation “(a)”.

And,

On page thirteen, section ten, line two, following the period, by inserting the following:

“(b) A public official, or an immediate family member thereof, shall not intentionally or knowingly hold a financial interest in any project pursuant to this article, or hold a financial interest in a holding company, affiliate, intermediary or subsidiary thereof that owns an interest in a project authorized pursuant to this article, while the individual is a public official and for one year following termination of the individual’s status as a public official. For the purposes of this section, the term “financial interest” does not include ownership of shares of mutual funds or other similar investment instruments in which the owner of such shares of mutual fund or other similar investment instrument has no decision making authority to what business decisions are made by those managing the investment.”

Delegates Wilson, Waxman, Butler and Barnhart moved to amend the amendment on page two, section two, line six, following the words “by the Legislature” by inserting the words “: *Provided*, That any funds appropriated by the Legislature shall be expended for the staff and administrative resources necessary to operate the Mountaineer Impact Office and expenses incurred by the Investment Committee, including per diem and travel expenses”.

The question before the House being the adoption of the amendment to the amendment, the same was put and did not prevail.

The strike and insert amendment offered by Delegate Hanshaw, as amended, was then adopted.

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. 274**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Yeas: Butler, Dean, McGeehan and Paynter.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4001) passed.

On motion of Delegate Householder, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4001 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6E-1, §12-6E-2, §12-6E-3, §12-6E-4, §12-6E-5, §12-6E-6, §12-6E-7, §12-6E-8, §12-6E-9, §12-6E-10 and §12-6E-11, all relating to creating West Virginia Impact Fund, Investment Committee and Mountaineer Impact Office to invest funds in certain projects with the goal of furthering economic development,

infrastructure development and job creation in the State of West Virginia, generally; providing definitions; creating West Virginia Impact Fund; providing for the transfer of funds to Investment Committee and the purposes for the expenditure of the funds; providing for availability of funds for appropriation of the Legislature; providing purpose and goal and investment standards; providing limitations on investments; creating Investment Committee and providing for its membership, appointments; terms; removals; vacancies and quorums; providing for powers and duties of Investment Committee; requiring disclosures of interest; establishing standard of care; creating Mountaineer Impact Office and providing for powers, duties, staffing, management and processes for proposing and administering investments in projects approved by Investment Committee; providing for audits and reports; providing opportunity for consultation with West Virginia Investment Management Board; providing for immunities and exemptions; prohibiting political activities; and providing for confidentiality of information.”

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 275**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Azinger, J. Kelly, Little and R. Thompson.

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. 4001) 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.

* * * * *

Delegate Hanshaw, Mr. Speaker, in the Chair

* * * * *

Com. Sub. for H. B. 4155, Relating generally to the regulation of plumbers; 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. 276**), and there were—yeas 54, nays 44, 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, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Sponaule, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4155) 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. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System; 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. 277**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4363) passed.

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 278**), 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: Azinger and Little.

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. 4363) takes effect July 1, 2020.

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. 4408, Requiring the State Board of Education to develop and implement an online database for the employment of school principals; 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. 279**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4408) 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. 4452, Modifying the notice requirements for the redemption of delinquent properties; 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. 280**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, McGeehan, Paynter, Porterfield and Wilson.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4452) 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. 4474, Relating to peer-to-peer car sharing programs; 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. 281**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Graves, Hicks, J. Jeffries and Paynter.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4474) passed.

On motion of Delegate Shott, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 4474 – “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, §17A-6F-3a, §17A-6F-3b, §17A-6F-3c, §17A-6F-3d, §17A-6F-3e, §17A-6F-3f, §17A-6F-3g, §17A-6F-4, §17A-6F-5, §17A-6F-6, §17A-6F-7, §17A-6F-8, §17A-6F-9, and §17A-6F-10, all relating to peer-to-peer car sharing programs; defining the scope of this article and providing for other definitions; imposing insurance requirements; providing for certain exclusions from motor vehicle insurance policies; requiring peer-to-peer car sharing programs to obtain a limited lines insurance license for automobile rental coverage; establishing certain consumer protection and record-keeping requirements; establishing requirements for data collection and retention; establishing benchmarks for safety for automobiles used in peer-to-peer car sharing programs; providing for the collection of sales and use tax by a peer-to-peer car sharing program; establishing the authority to regulate peer-to-peer car sharing programs at airports; establishing controlled authority and other requirements for peer-to-peer car sharing programs in this state; and providing for an effective date.”

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. 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity; 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. 282**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4522) 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. 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase; 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. 283**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4523) 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. 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals; 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. 284**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4557) 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. 4634, Southern West Virginia Lake Development Study Commission 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. 285**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Waxman.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4634) 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. 4645, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; 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. 286**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kessinger, McGeehan, Paynter and Robinson.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4645) 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. 4737, Clarifying student eligibility for state-sponsored financial aid; 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. 287**), 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: Azinger, Barrett, Little and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4737) passed.

Delegate Summers moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 288**), 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: Azinger, Little and Mandt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4737) 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. 4820, Relating to inventory of firearms owned by state agencies; 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. 289**), and there were—yeas 44, nays 54,

absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Barnhart, Boggs, Byrd, Canestraro, Caputo, Cooper, Diserio, Doyle, Ellington, Espinosa, Fleischauer, Hamrick, Hansen, Hornbuckle, Hott, Howell, J. Jeffries, D. Kelly, Kump, Longstreth, Lovejoy, Maynard, Miley, Nelson, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rohrbach, Rowan, Shott, Skaff, Staggers, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Azinger and Little.

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. 4820) rejected.

Second Reading

Com. Sub. for S. B. 657, Allowing designation of tourism development districts; 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 three, section nine, line thirty-six, following the words “any provision of”, by striking out “§11-15-1 et seq.” and inserting in lieu thereof “§5B-2E-5(c)(2)”.

On page three, section nine, line forty-six, following the words “applicant shall”, by striking out the words “own or control” and inserting in lieu thereof the words “own, control, or have the right of use to”, followed by a comma.

On page three, section nine, line forty-seven, following the words “evidence of such”, by striking out the words “ownership or control” and inserting in lieu thereof the words “ownership, control, or right of use”.

On page three, section nine, line fifty-five, following the word “some”, by striking out the words “or all”.

On page four, section nine, line sixty-seven, following the words “accordance with”, by striking out the words “subsection (b)” and inserting in lieu thereof the word “subsections (b) and (c)”.

On page four, section nine, line sixty-nine, following the words “ordinance procedures” and the comma, by inserting the words “including any authority pursuant to the Municipal Home Rule program under §8-1-5a of this code” followed by a comma.

On page four, section nine, line seventy, following the words “development projects”, by striking out the words “and/or” and inserting in lieu thereof the word “or”.

On page five, section nine, line ninety-five, following the words “pursuant to §8-1-5a”, by inserting a comma and the words “§8-13C-4 and §8-13C-5”.

On page six, section nine, line one hundred sixteen, following the words “60 of this code”, by striking out the semicolon and inserting the words “and control of nonintoxicating beer pursuant to §11-16-1, et seq. of this code”, followed by a semicolon.

On page six, section nine, line one hundred nineteen, by striking out the words “Be designed, acquired, constructed, and equipped” and inserting in lieu thereof the words “Design, acquire, construct and equip the tourism development project or the tourism development expansion project”.

And,

On page seven, section nine, line one hundred forty-six, following the words “facilitate the”, by striking out the word “initial”.

Delegate Doyle moved to amend the bill on page three, section nine, lines fifty-six and fifty-seven, by striking out subsection (i) in its entirety and inserting in lieu thereof the following:

“(i) Upon approval of the application for tourism development project by the development office, the development office shall send notice to the county commission of the county where the

municipality is located or if the municipality is located in two counties, the county where the project or a majority of the area of the project is located. Upon receipt of notice, the county commission shall cause an election to occur within 90 days in the municipality where the proposed tourism development project is located, as provided for in subsection (r) of this section. Upon receipt of certification from the Secretary of State's office that the majority of voters of the municipality have approved the tourism development project, the development office shall initiate the project.”

And,

On page seven, section nine, line one hundred forty-six, by inserting a new subsection, to read as follows:

“(r) (1) Upon the authorization of the project by the development office pursuant to subsection (i), the development office shall immediately notify the Office of the Secretary of State and the County Commission where the project is located stating that the development office has approved the project. The County Commission, with assistance from the Secretary of State shall administer a municipal referendum election within 90 days of receipt of notice for the purpose of allowing the voters of the municipality to vote to authorize or disapprove the project.

(2) The Secretary of State shall promulgate legislative and emergency rules by July 1, 2020, pursuant to §29A-3-1 of this code, establishing the procedures for conducting the election. The Secretary of State shall assist the County Commission in conducting the election, and the County Commission shall utilize necessary staff to administer the election on a day designated by the Secretary of State.

(3) The ballot, or the ballot labels where voting machines are used, shall have printed thereon substantially the following:

“The West Virginia Development Office has authorized a development project that will allow to designate a “tourism development district” that is qualified to receive a sales tax credit

under the West Virginia Tourism Development Act which allows the owner of the project to receive a income tax credit against any state sales tax collected.

If adopted, (name of municipality) will be restricted from regulating the project area of the city as follows:

(1) The city is prohibited from enforcing municipal zoning, historic preservation, horticultural, noise, viewshed, lighting, development, or land use ordinances, restrictions, limitations, or approvals;

(2) The city is prohibited from all regulation of the sale of alcoholic liquor, nonintoxicating beer, or wine for consumption within the tourism development district;

(3) The city is prohibited from enforcing municipal building permitting, inspections, or fire or building code enforcement;

(4) The city is prohibited from enforcing municipal license requirements; and

(6) The city is prohibited from the implementation of any tax, fee, or charge by the municipality, except as specifically provided in this section.

However, if approved, the project will (the Development Office will provide a brief summary of the purpose of the project and any benefits of the project to be inserted here).

// For the project

// Against the project

(Place a cross mark in the square opposite your choice.)”

If a majority of the legal votes cast upon the question is against the economic development project, then the development office shall not proceed any further with the application. If a majority of the legal votes cast upon the question is in favor the tourism development district is authorized.”

And,

Re-lettering the existing subsection (r) as subsection (s).”

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. 290**), and there were—yeas 13, nays 80, absent and not voting 7, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Doyle, Evans, Fast, Hornbuckle, C. Martin, Pushkin, Pyles, Rodighiero, R. Thompson, Toney and Wilson.

Absent and Not Voting: Azinger, Kump, Little, Miley, Nelson, Swartzmiller and Worrell.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Wilson moved to amend the bill on page one, by striking out everything following the section heading and inserting in lieu thereof the following:

“Notwithstanding the provisions of Section VI, article four of the Constitution, the people of West Virginia reserve the power of recall. Subject to the restrictions set forth in this section, the power of recall is the power of registered voters, through the use of a petition procedure established in this section, and governed by general law not in conflict therewith, to propose the removal of any individual occupying any elective public office in West Virginia at any governmental level in West Virginia, and at a special election held less than thirty days after the filing of a proper petition, to remove that individual from that office by a simple majority of the votes cast on the issue. The removed elected officeholder shall be replaced as provided for by existing Code or, if no procedure is established in existing Code, the clerk of the affected jurisdiction, or, in the case of the removal of the chief executive or clerk of that jurisdiction, the clerk of the immediately superior jurisdiction, shall hold a special election no less than thirty days after the

removal of said elected officeholder to replace that elected officeholder.”

Delegate Householder arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the purpose of the bill and the Gentleman’s point of order was sustained.

The bill was then ordered to third reading.

Com. Sub. for H. B. 3127, Relating to the Secondary School Activities Commission and participation by home schooled 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. 4009, Relating to the process for involuntary hospitalization; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Staggers, the bill was amended on page two, section two-a, line twenty-three, following the words “authorized staff physician”, by inserting “or other person authorized by the hospital”.

And,

On page three, section two-a, line forty-seven, following the words “and hospitals”, by inserting the words “and its employees”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4252, Authorizing miscellaneous agencies and boards to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Delegate Summers obtained unanimous consent that the bill be advanced to third reading with an amendment pending, and the rule was suspended to permit the consideration of the amendment on that reading.

The bill was then ordered third reading,

Com. Sub. for H. B. 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Howell and C. Martin, the bill was amended on page two, by striking out section eighteen in its entirety and inserting in lieu thereof the following:

“§11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It shall be unlawful:

(1) For any licensee, his, her, its or their servants, agents, or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 10:00 a.m., or a Class A retail dealer who sells nonintoxicating beer for on-premises consumption only between the hours of 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of §60-7-1 *et seq.* of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than 21 years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this

article, except for cash and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing herein contained in this section prohibits a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor or brew-pub or his, her, its or their agents to transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;

(6) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas: *Provided, however, That a distributor may furnish, rent, or sell equipment, fixtures, signs, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail under the conditions and within the limitations prescribed in sections 88 through 102, chapter 6, title 27 of the Code of Federal Regulations.* Nothing herein contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events: *Provided, however further*, That no event shall be sponsored which permits actual participation by athletes or other persons who are minors, unless specifically authorized by the commissioner: *And provided further*, That a licensed retailer may display indoor electronic or mechanical signs;

(7) For any licensee to permit in his or her premises any lewd, immoral or improper entertainment, conduct, or practice;

(8) For any licensee except the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code or a holder of a license or a private wine restaurant issued under the provisions of §60-8-1 *et seq.* of this code to possess a federal license, tax receipt or other permit entitling, authorizing, or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(9) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes, or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of §60-7-1 *et seq.* of this code, or the premises of a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code;

(10) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession, or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code insofar as the private wine restaurant is authorized to serve wine;

(11) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased, or acquired from any source other than a distributor, brewer, or manufacturer licensed under the laws of this state;

(12) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting so long as the noise levels do not create a public nuisance or violate local noise ordinances;

(13) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

(14) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

(15) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

(16) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

(17) For any Class A licensee, his, her, its or their servants, agents, or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer, or permit any person less than 18 years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of 18 years is in or upon the premises in the immediate company of his or her parent or parents, or where and while a person under the age of 18 years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on the premises;

(18) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of such nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale; and

(19) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter 29A of this code.

(b) Any person who violates any provision of this article including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting application for license or for a renewal of a license or in any hearing concerning the revocation thereof, or who commits any of the acts herein declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than 30 days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold, furnished, or given away by the use of the transaction

device may not be subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer to an individual who is less than 21 years of age by one of his or her employees, servants, or agents. Any agent, servant, or employee who has improperly sold, furnished or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) “Transaction scan” means the process by which a person checks, by means of a transaction scan device, the age, and identity of the cardholder, and “transaction scan device” means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver’s license or other governmental identity card.

(d) Nothing in this article nor any rule or regulation of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in the licensee’s lawful employ, including the sale or

delivery of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age but at least 16 years of age: *Provided*, That the person's duties may not include the sale or delivery of nonintoxicating beer or alcoholic liquors: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee's license."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4530, Authorizing daily passenger rental car companies to charge reasonable administrative fees; 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. 4626, West Virginia Development Achievements Transparency 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. 4668, Creating the misdemeanor crime of trespass for entering a structure that has been condemned; 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, line four, following "\$100", by inserting the words "or confined in jail not more than six months: *Provided*, That for any first offense under this section (a), the presiding judicial officer may order pretrial diversion to include community service in accordance with §62-11C-1, *et seq.*, in lieu of imposing a fine or term of confinement."

And,

On page one, line five, by striking subsection (b) in its entirety and renumbering the subsequent sections accordingly.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4748, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts; 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 read a first time and ordered to second reading:

Com. Sub. for H. B. 2088, Relating to admissibility of certain evidence in a civil action for damages,

Com. Sub. for H. B. 2149, Relating to the Farm-To-Food Bank Tax Credit,

Com. Sub. for H. B. 2646, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees,

Com. Sub. for H. B. 4019, Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020,

H. B. 4354, Adding nabiximols to the permitted list of distributed and prescribed drugs,

Com. Sub. for H. B. 4360, Exempting certain persons from heating, ventilating, and cooling system licensing requirements,

Com. Sub. for H. B. 4377, The Protection of Vulnerable Adults from Financial Exploitation Act,

H. B. 4396, Relating to reporting suspected governmental fraud,

H. B. 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

Com. Sub. for H. B. 4421, Natural Gas Liquids Economic Development Act,

Com. Sub. for H. B. 4433, Relating to deeds of trust,

H. B. 4447, Creating the shared table initiative for senior citizens who suffer from food insecurity,

Com. Sub. for H. B. 4464, Relating to driving privileges and requirements for persons under the age of 18,

Com. Sub. for H. B. 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia,

H. B. 4606, Listing contractor classifications on a contractor license,

H. B. 4715, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest,

H. B. 4760, Modifying video lottery retailer licensing eligibility requirements,

Com. Sub. for H. B. 4780, Permitting a school-based decision-making council to offer elective courses of instruction on the Bible,

H. B. 4797, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership,

Com. Sub. for H. B. 4803, Relating to certification of electrical inspectors,

Com. Sub. for H. B. 4823, Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911,

Com. Sub. for H. B. 4853, Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility,

H. B. 4859, Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments,

H. B. 4872, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

H. B. 4882, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state,

Com. Sub. for H. B. 4886, Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System,

H. B. 4887, Relating to revocation, cancellation, or suspension of business registration certificates,

H. B. 4959, Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties,

And.

H. B. 4960, Relating to exempting from licensure as an electrician.

At 3:42 p.m., the House of Delegates recessed until 6:00 p.m.

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Evening Session

* * * * *

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 that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4515, Relating to wildlife resources, eligibility for license or permit application.

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. 130 - “A Bill to amend and reenact §17C-5-2, §17C-5-2a, §17C-5-2b, §17C-5-4, §17C-5-7, and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17C-5-7a; to amend and reenact §17C-5A-1, §17C-5A-1a, and §17C-5A-3 of said code; to amend said code by adding thereto a new section, designated §17C-5A-2b; and to amend said code by adding thereto a new section, designated §17C-5C-1a, all relating generally to the procedures for revocation or suspension of a person’s license to operate a motor vehicle for offenses involving driving under the influence of alcohol, controlled substances, or drugs; defining terms; transferring authority for hearing certain matters related to revocations or suspensions of licenses from the Office of Administrative Hearings to the courts; establishing mandatory license revocation or suspension periods for individuals convicted of certain offenses; authorizing alternate revocation or suspension periods conditioned upon participation in Motor Vehicle Alcohol Test and Lock Program for certain offenses; establishing mandatory license revocation or suspension periods for individuals upon second and subsequent convictions for certain offenses; clarifying what constitutes a second or subsequent offense for purposes of criminal penalties and license revocations and suspensions; clarifying that certain offenses involving driving under the influence take place only when the operator is upon a public highway or private road; clarifying the term ‘in this state’ for purposes of enforcement of certain serious traffic crimes;

requiring the Commissioner of the Division of Motor Vehicles to revoke a person's license upon conviction of certain offenses or for refusal to submit to a secondary chemical test in certain circumstances; requiring individuals whose licenses have been revoked or suspended upon conviction of certain offenses to complete the comprehensive safety and treatment program before the license can be reinstated; requiring driver consent to participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program for certain first offenses to be completed within one year; prohibiting a secondary test of blood without consent absent issuance of a search warrant; requiring that a person arrested for driving under the influence be provided with certain verbal and written warnings prior to submitting to a secondary chemical test; requiring an officer to 15 minutes before a refusal to submit to a secondary chemical test is considered final; requiring that, following an individual's refusal to submit to a secondary chemical test, an arresting officer submit a sworn statement containing certain information to Commissioner of the Division of Motor Vehicles and the court; providing for a hearing before the court to contest a documented refusal to submit to a secondary chemical test; providing minimum license revocation periods for refusal to submit to a secondary chemical test; directing the Bureau for Public Health to make reports and recommendations on the levels of drugs and controlled substances to be used as evidence in certain criminal proceedings; limiting the administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2020; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's license on the basis of driving under the influence or refusal to submit to a secondary test absent direction from court; requiring the Commissioner of the Division of Motor Vehicles to provide certain records to the court following a person's arrest; providing a procedure to correct a license revocation or suspension based on mistaken driver identity; providing that a plea of no contest constitutes a conviction; requiring the clerk of the court to transmit a copy of an order related to revoking or suspending a person's license to the Division of Motor Vehicles; directing that a copy of

a license revocation or suspension order to be sent to the person whose license is being revoked or suspended by certified mail; providing that revocation for refusal to submit to secondary chemical test run concurrently with other revocation or suspension imposed as a result of an offense that led to the arrest; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; requiring the Office of Administrative Hearings to dispose of all matters pending before it by a certain date; establishing a timeline for jurisdiction of matters currently filed in the Office of Administrative Hearings to transfer to the courts; requiring that matters related to license suspension or revocation for driving under the influence, pending before the Office of Administrative Hearings on its termination, be dismissed; requiring that matters not related to license suspension or revocation for driving under the influence, pending before the Office of Administrative Hearings on its termination, be transferred to a circuit court according to certain procedures; terminating the Office of Administrative Hearings by a certain date; eliminating obsolete language; providing internal effective dates; and making technical corrections”; 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. 253 - “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, §18-10P-3, and §18-10P-4, all relating to wages of persons with disabilities; initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; defining terms; establishing a taskforce to develop a State Employment First Policy; and providing for implementation of the State Employment First Policy”; 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. 484 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; specifying the time frame in which they must be provided; and defining a term”; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 491 - “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 three new sections, designated §19-16-3b, §19-16-5a, and §19-16-9, all relating to the Seed Certification Program within the Department of Agriculture; defining terms; adding flower seed requirements; adding labeling requirements for seed; adding labeling requirements for interstate shipping; authorizing legislative rules for penalties; updating certificate of registration requirements; requiring quarterly tonnage fees and reports for seed; requiring monthly reports for seed potatoes; requiring record retention; updating prohibitions for labeling; setting forth label, signage, and other requirements for noncommercial seed sharing; updating duties and authority of commissioner; authorizing inspections of seed conditioning facilities, issuance of permits, and establishment of fees; and providing for penalties for labeling deficiencies”; 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. 649 - “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; establishing payment of emergency mobile phone contracts; and requiring a report”; 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. 660 - “A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend said code by adding thereto a new section, designated §17C-11-8, all relating to electric bicycles; defining terms; excluding electric bicycles from registration, title, financial liability, and driver’s license requirements; providing electric bicycle general use regulations; providing the operator of an electric bicycle has the same rights and duties as the operator of a bicycle; providing the use of an electric bicycle may be restricted by an entity having jurisdiction over a bicycle path or trail; and providing for helmet use requirements and class use restrictions for a person under 15 years of age”; 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. 672 - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to creating a special registration plate to recognize Girl Scouts; and establishing a special initial application fee and an annual fee for each plate”; 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, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 722 - “A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-23 of said code, all relating to motor vehicles; exempting certain vehicles operated in the name of a public transit provider or nonprofit transit provider from motor vehicle sales tax; and authorizing special license plates for certain vehicles titled in the name of a public transit provider, private nonprofit transit provider, or certain nonprofit 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. 781 - “A Bill to amend and reenact §18B-3C-16 of the Code of West Virginia, 1931, as amended, relating to removing information required to be included in report to the Legislature and the Governor regarding the collaborative agreements between community and technical colleges and federally registered apprenticeship programs”; 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 and requested the concurrence of the House of Delegates in the passage, of

S. B. 789 - “A Bill to repeal §4-2B-1 of the Code of West Virginia, 1931, as amended; and to repeal §4-3-3b of said code, relating to removing provisions regarding obsolete functions and completed tasks for the administration of, or by, the Legislature”; 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. 804 - “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, 2020, to the Public Service Commission, Consumer Advocate Fund, fund 8627, fiscal year 2020, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; 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. 806 - “A Bill supplementing and amending by adding a new appropriation of federal funds out of the Treasury to the Department of Transportation, fund 8831, fiscal year 2020, organization 0807, by supplementing, amending, and adding a new appropriation for the fiscal year ending June 30, 2020”; which was referred to the Committee on 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 Rules:

S. C. R. 17 – “Requesting the Division of Highways name bridge number 35-002/00-011.58 (35A147), locally known as

Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the ‘U.S.M.C. PFC Manuel P. Markos Memorial Bridge’.”

Whereas, Manuel P. Markos was born in Utah on October 27, 1924, the second child of Paul S. Markos (Markakis) and Diamanto Tsuhlares Markos of Short Creek, West Virginia; and

Whereas, Growing up in Short Creek, West Virginia, Manuel P. Markos had three siblings: Nick P. Markos, born on May 9, 1923, who died on July 17, 2002; Stella M. Markos (Sfamenos), born on August 23, 1929, who still resides in Short Creek; and Goldie M. Markos (Basil), born on February 6, 1937, who also still resides in Short Creek; and

Whereas, Manuel P. Markos’ parents immigrated to the United States through Ellis Island from the village of Hania on the island of Crete, Greece; and

Whereas, Manuel P. Markos’ older brother, Nick, was a member of the U.S. Army and fought in the Rhineland Campaign in central Europe in World War II, and received an honorable discharge following the war; and

Whereas, Manuel P. Markos attended school at Beech Bottom Elementary and Junior High and then Wellsburg High School. He worked at Markos Grocery Store, the family business, while attending school; and

Whereas, Manuel P. Markos left Wellsburg High School during his senior year to enlist in the U.S. Marine Corps. He entered active service, was assigned to the Fifth Division, and had the rank of PFC. PFC Manuel P. Markos was killed in action on February 19, 1945, the day that the U.S.M.C. invaded the Japanese island of Iwo Jima. The battle of Iwo Jima endured from February 19 until March 26, 1945; and

Whereas, Religion was an important part of PFC Manuel P. Markos’ life. He was a life-time member of Saint John the Divine Greek Orthodox Church in Wheeling, West Virginia, where he was baptized and later, when his remains were returned from Iwo Jima, had his funeral. He is buried at Greenwood Cemetery in Wheeling,

West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. PFC Manuel P. Markos 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 35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the “U.S.M.C. PFC Manuel P. Markos 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.M.C. PFC Manuel P. Markos 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.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

Delegate Hanshaw (Mr. Speaker), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

H. C. R. 75, Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone’s Peak,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. C. R. 75 - “Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone’s Peak,”

With the recommendation that the committee substitute be adopted.

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 Howell, C. Martin, Angelucci, Staggers, Jennings, D. Jeffries, J. Jeffries, Hott and Tomblin:

H. B. 4971 - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to a closing hospital; exempting a subsequent purchaser from certificate of need; and exempting the health care services provided by the closing hospital from certificate of need; and providing an exemption."

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. 4746, Establishing a registry of persons with a communication disability,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4746 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17A-2-26 and §17A-2-27; and to amend and reenact §30-29-5 of said code, all relating to establishing a registry of persons with a communication disability, developing a form to use to include persons in this registry and requiring that the communication disability provisions be included in law-enforcement training and certification,"

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. 4574, Establishing Just Transition Support for Coal-Related Jobs,

And reports back a committee substitute therefor, with the new title, as follows:

Com. Sub. for H. B. 4574 - "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 establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption; providing legislative findings; establishing a Coal and Timber Transition Office to administer the program; providing for a Coal and Timber Transition Advisory Committee to study and advise the office; defining terms; requiring submission of plans to the Legislature; providing that certain coal operations, timber operations, and electric utilities provide information to the office relating to job losses when a facility is closing; and providing for expiration of the article,"

And,

H. B. 4693, Expanding the scope of the Veterans to Agriculture Program,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4693 - "A Bill to amend and reenact §19-1-12 of the Code of West Virginia, 1931, as amended, relating to renaming the Veteran and Warriors to Agriculture Program to the Veterans and Heroes to Agriculture Program; renaming Veterans and Warriors to Agriculture fund; eliminating outdated language;

and authorizing the Commissioner of Agriculture to expand the scope of the program to additional classes of persons,”

With the recommendation that the committee substitutes each do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4535, Relating to student aide class titles,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4535 - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8a of said code, all relating to student aide class titles for school service personnel,”

And,

H. B. 4925, Requiring the Secondary Schools Athletic Commission to recognize private, parochial, or church schools,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4925 - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary Schools Athletic Commission to recognize preparatory schools as nonparticipating members solely for the purpose of competing on the national level,”

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. 4176, West Virginia Intelligence/Fusion Center Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4176 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, establishing the West Virginia Fusion Center Act,"

And,

H. B. 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4587 - "A Bill to amend and reenact §24-2-4a of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-2-4 of said code; to amend and reenact §24A-5-2 of said code; to amend said code by adding thereto two new sections, designated §24A-5-2a and §24A-5-2b; all relating to the regulation of the collection, hauling, and disposal of solid waste by motor carriers; authorizing indexed automatic rate increases for solid waste collection and hauling; authorizing multi-year contracts; setting procedures for the approval of rates; authorizing solid waste carriers to require pooling; and authorizing the Public Service Commission to promulgate rules,"

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. 4362, Relating to penalties for neglect, emotional abuse or death caused by a caregiver,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4362 - “A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended, all relating to penalties for neglect, emotional abuse or death caused by a caregiver; setting penalty for emotional abuse of an incapacitated adult; setting penalty for abuse, neglect or emotional abuse of nonverbal special needs child; setting penalty for causing death or allowing another to cause death of a nonverbal special needs child,”

H. B. 4573, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4573 - “A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable “third-party” to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; providing a priority right to the department for subrogation payments; requiring department authorization before finalizing a settlement in certain circumstances; establishing notice, procedure and consent requirements for settlement allocation; setting forth the procedure when the department rejects a settlement allocation; establishing the burden of proof for allocation dispute proceedings; requiring a trial court to consider the department’s interests in maximizing recovery in an allocation dispute; requiring a trial court to issue findings of fact and conclusions of law; exempting from this section a final subrogation lien of less than \$1,500; modifying the

penalty for failure of recipient's legal representative to notify the department to include interest; and establishing an effective date,"

And,

H. B. 4946, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy,

And reports back a committee substitute therefor, with the same title, as follows:

Com. Sub. for H. B. 4946 - "A Bill to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating to revising the requirement that municipal police civil service commissions certify a list of up to three individuals for every position vacancy in a municipal police department not filled by promotion, reinstatement or reduction,"

With the recommendation that the committee substitutes each do pass.

On motion for leave, a bill was introduced (Originating in the Committee on the Judiciary and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Westfall, Queen, Phillips, Miller, D. Kelly, Fleischauer, Steele, Kessinger, Kump, Waxman and N. Brown:

H. B. 4970 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-40, relating to military service as a factor in certain insurance coverage rates; prohibiting an insurance company from increasing premiums while reinstating an insurance contract that was previously cancelled or suspended due to the military service of the insured; prohibiting an insurer from charging an increased premium for a new insurance contract when the applicant has had a policy from another insurer terminated as a result of military service; defining service with the National Guard; and requiring insurers to deem persons who have had an insurance policy suspended or terminated due to military service as having maintained continuous coverage."

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. 4159, Relating to the manufacture and sale of hard cider,

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. 4602, Increasing the penalty for DUI causing death when a child is present,

And reports the same back with the recommendation that it do pass.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 21st day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

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. 572, Expiring funds from General Revenue and Lottery Net Profits to various accounts,

S. B. 725, Supplemental appropriation to various Department of Education accounts,

S. B. 778, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR,

S. B. 779, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance,

And,

S. B. 780, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS,

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:

Com. Sub. for S. B. 571, Expiring funds from State Excess Lottery Revenue Fund to various accounts,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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. 4494, Tobacco Use Cessation Initiative,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4494 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated as §16-9G-1, §16-9G-2, §16-9G-3 and §16-9G-4, all relating to expanding tobacco use reduction and cessation

initiatives; creating a task force to undertake studies and monitor and advise the Division of Tobacco Prevention and recommend policies to the Legislature; authorizing the task force to apply and administer private grants and donations; creating the Tobacco Cessation Initiative Program Special Revenue Account; and directing the annual transfer of a portion of the interest and other return earned that may accrue on the moneys in the Revenue Shortfall Reserve Fund – Part B to the special revenue account to be expended for the purposes of the new article,”

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. 4560, Relating to deliveries by a licensed wine specialty shop,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4560 - “A Bill to amend and reenact §60-8-6b of the Code of West Virginia, 1931, as amended, relating to permitting licensed wine specialty shops to sell wine with a gift basket by telephonic, electronic, or web-based wine ordering,”

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. 4402, Relating to designation of early voting locations,

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. 4648, The Parenting Fairness Act of 2020,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4648 - "A Bill to amend the Code of West Virginia, 1931, as amended 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, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-401, §48-9-403, and §48-9-601 of said code; to amend said code by adding thereto a new section, designated §48-9-204a, all relating to 'The Parenting Fairness Act of 2020'; defining 'shared legal custody', 'shared physical custody', 'sole legal custody', and 'sole physical custody'; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children, in cases of divorce is presumed to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans and modifications to parenting plans consider the presumption of shared legal and physical custody is in the best interests of a child; to require courts to consider such presumption when making determination as to which parent has significant decision making responsibility; and establish both parents' rights to school and medical records of child,"

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. 4461, Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4461 - “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 annual salaries of certain state appointed officers after the office is vacated or after July 1, 2020, whichever occurs first; and requiring the maximum amount of the annual salary to be specified in the budget bill,”

And,

H. B. 4892, Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4892 - “A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold, and further reducing those rates when that threshold is reached again; establishing personal income tax reduction fund and providing for deposits into personal income tax reduction fund; specifying rate reductions; providing for deposits from personal income tax reduction fund into general revenue fund; imposing duties on the State Tax Commissioner and other state agencies officers; and providing for investment and disposition of fund,”

With the recommendation that the committee substitutes each do pass.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Azinger and Little.

The House of Delegates then returned to the Third Order of Business for the purpose of receiving a committee report.

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. 4905, Ban-the-Box Act,

And reports back a committee substitute therefor, with a new title, as follows:

Com. Sub. for H. B. 4905 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act; providing findings regarding reintegration of people with a criminal history; applying the provisions only to public employers; excluding the practice of law from the Ban-the-Box Act; encouraging the bill’s hiring practices for private employers; providing definitions; providing a procedure to address an applicant’s criminal history in the course of the hiring process; prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances; requiring a public employer to notify the applicant after receiving adverse information prior to a final decision; providing the applicant an opportunity to address adverse information; requiring the employer to publish specific disqualifying crimes; providing for a grievance procedure to adjudicate any complaint by the applicant.”

With the recommendation that the committee substitute do pass.

Miscellaneous Business

Delegate Doyle noted to the Clerk that he was absent when the vote was taken on S. B. 573, and had he been present, he would have voted “Yea” thereon.

Delegate Sypolt asked and obtained unanimous consent to be added as a cosponsor of H. B. 4969.

During the floor session and prior to passage, Delegate Porterfield asked and obtained unanimous consent to be added as a cosponsor of the Com. Sub. for H. B. 4634.

In the absence of objection, the following Delegates were added as cosponsors of H. R. 14:

Delegates Porterfield, D. Evans, Hardy, Bibby, Cooper, Hamrick, Paynter, Maynard, Rohrbach, Summers, Ellington, Howell, Fast, J. Jeffries, C. Martin, Rowan, Capito, Householder, Cadle, P. Martin, Steele, Criss, Mandt, Kump, Bartlett, Linville, D. Kelly, Barnhart, Jennings, Sypolt, Storch, Pack, Hill, Westfall, Queen, Miller, Rodighiero, Hicks, Bates, Miley, Barrett, Staggers, Robinson, N. Brown, Hartman, Diserio, Pethtel, Sponaule and Estep-Burton.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

- Delegate J. Jeffries for H. B. 4693
- Delegate Hartman for H. B. 4439
- Delegates Boggs, Ellington, Espinosa, Hill, Shott and Skaff for H. B. 4494
- Delegates Campbell and Maynard for H. B. 4925
- Delegates Espinosa, Fleischauer, Kessinger, Paynter, Pushkin and Walker for H. B. 4905
- Delegate Nelson for H. B. 4402

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

- Delegate Hanna for H. B. 4934

Pursuant to House Rule 132, consent was requested and obtained to print the following remarks in the Appendix to the Journal:

- Delegate Lovejoy regarding Com. Sub. for H. B. 2321

At 6:45 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 24, 2020.